

**Healthcare Fraud and Abuse (Fall 2022)**  
**Course #5217**  
**Mondays 5:30-7:30 p.m.**

**Adjunct Professor**

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**Course Objectives**

This course explores the administrative, civil, and criminal enforcement of healthcare fraud and abuse laws and the potential penalties that may be imposed on actors in the healthcare industry for violations of those laws. The course examines the federal Anti-Kickback Statute, the federal anti-referral (Stark) law, federal civil False Claims Act, and federal criminal statutes. The course also addresses the tactics and strategies used by both government enforcement authorities to pursue legal remedies and defense counsel to defend against those actions.

**Course Requirements and Grading**

The class will meet on Mondays from 5:30 p.m. to 7:30 p.m.:

**Attendance and Participation**

General course attendance is required per Law Center attendance policy. If you anticipate that you will miss a class, please inform the professor by email in advance. Except in extenuating circumstances, recorded class sessions will not be made available to students who miss class sessions. Students will be expected to study the assigned material, obtain copies of notes from their colleagues, and follow up with the professors if they have questions about the material covered in a missed class session.

Participation in class discussions is expected and, as set forth below, will comprise a portion of the grade. Grades will be based upon a written final exam and class participation.

**Grading**

There will be a take-home final examination. Grades for the course will be determined as follows:

1. Take-Home Final Exam = 50%  
The take-home exam will be made available at 9:00 a.m. on the exam date (December 12, 2022) and will be due by 9:00 p.m. the same day.
2. Class Participation = 50%  
The class participation portion of the grade will be based on students' participation in weekly class discussion and problem-solving exercises as well as a short presentation on a relevant healthcare fraud topic.

**Text**

Laura F. Laemmle-Weidenfeld, *Legal Issues in Healthcare Fraud and Abuse*, Fifth Edition with 2022 Cumulative Supplement

## COURSE OUTLINE

*Schedule is subject to change.*

<b>1. August 22</b>	<b>Introduction</b>  <b>Overview of Agencies and Processes Involved in Enforcement</b>  <b>Overview of Statutory and Regulatory Framework</b>
<b>2. August 29</b>	<b>Anti-Kickback Statute</b>  Text: Chapter 2 (p. 31-94)
<b>3. September 12</b>	<b>Anti-Kickback Statute</b>  Text: Chapter 2 (p. 95-126)
<b>4. September 19</b>	<b>Anti-Kickback Statute</b>  Text: Chapter 2 (p. 126-179)
<b>5. September 26</b>	<b>Stark – Federal Physician Self-Referral Prohibitions</b>  Text: Chapter 3 (p. 181-214), (skim p. 214-265 re Exceptions)
<b>6. October 3</b>	<b>Stark – Federal Physician Self-Referral Prohibitions</b>  Text: Chapter 3 (p. 265-305)
<b>7. October 10</b>	<b>Administrative Sanctions</b>  Text: Chapter 4 (p. 307-360)
<b>8. October 17</b>	<b>Civil Enforcement – False Claims Act</b>  Text: Chapter 5 (p. 361-412)
<b>9. October 24</b>	<b>Civil Enforcement – False Claims Act</b>
<b>10. October 31</b>	<b>Criminal Enforcement</b>  Text: Chapter 5 (p. 412-444)
<b>11. November 7</b>	<b>Criminal Enforcement</b>

<b>12. November 14</b>	<b>State and Private Initiatives</b> Text: Chapter 6 (519-560)
<b>13. November 21</b>	<b>Compliance and Self-Reporting</b> Text: Chapter 7 (p. 561-634)
<b>14. November 28</b>	<b>Last Class – Review</b>

### COVID-19 Information

Students are encouraged to visit the University's [COVID-19](#) website for important information including diagnosis and symptom protocols, on-campus testing, and vaccine information. Please check the website throughout the semester for updates.

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [Student Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.

### Vaccinations

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent [vaccine information](#) and to consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

### Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

### Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Justin Dart, Jr. Student Accessibility Center](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

### Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through email.

### Resources for Online Learning

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our [Power-On](#) website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Blackboard; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact [UHOnline@uh.edu](mailto:UHOnline@uh.edu).

### UH Email

Please check and use your Cougarnet email for communications related to this course. To access this email, [login](#) to your Microsoft 365 account with your Cougarnet credentials.

### Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

### Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

## **Helpful Information**

**Coogs Care:** <https://uh.edu/dsa/coogscare/>

**Student Health Center:** <https://www.uh.edu/healthcenter/>