

# El Paso Community College

## Syllabus

### Part II

## Official Course Description

<b>SUBJECT AREA</b>	<u><b>Health Information Management</b></u>
<b>COURSE RUBRIC AND NUMBER</b>	<u><b>HITT 1353</b></u>
<b>COURSE TITLE</b>	<u><b>Legal and Ethical Aspects of Health Information</b></u>
<b>COURSE CREDIT HOURS</b>	<u><b>3                    2                    :</b></u> <b>Credits                    Lec                    Lab</b>

### I. Catalog Description

Studies the concepts of privacy, security, confidentiality, ethics, health care legislation, and regulations relating to the maintenance and use of health information. A grade of “C” or better is required in this course to take the next course. **(2:2). Lab fee.**

**NOTE: HITT 1353 is an online course.**

### II. Course Objectives

#### Unit I

Introduction to the Fundamentals of Law for Health Informatics and Information Management

1. Differentiate between the concepts of law, and the privacy, confidentiality, and security of health information
2. Discuss why protecting the privacy and confidentiality of health information is a challenge for health information management and informatics professionals
3. Discuss the difference between a paper health record, a hybrid record, and an electronic health record
4. Discuss the concepts of ownership and control of the health record, how these concepts relate to the concepts of health record custodianship and stewardship, and the roles and responsibilities of the custodian or steward of health records

Law and Ethics

1. Define ethics and distinguish between law and ethics
2. Differentiate between ethics and morals
3. Analyze ethical theories relevant to HIM practice
4. Describe the role of professional codes of ethics in protecting health information
5. Explain consequences of unethical behavior
6. Discuss and apply the ethical decision-making process
7. Examine the ethical issues surrounding bioethics

The Legal System in the United States

1. Apply the relevance of law to the health information management and informatics profession and other health professions
2. Differentiate between public law and private law
3. Name and give examples of the four sources of law

4. Identify resolutions in cases where laws conflict with one another
5. Compare the branches of government and the role that each plays
6. Analyze the separation of powers in a democratic society
7. Compare the federal and state court systems and the appeals processes in both
8. Discuss the role of nonlegal accrediting bodies, such as Joint Commission, and differentiate their authority from that of the legal system
9. Demonstrate types of alternative dispute resolution available as options to the court system

#### Legal Proceedings

1. Identify the role of procedural laws in the legal system
2. Identify the parties to a lawsuit
3. Demonstrate the methods of discovery
4. Identify requirements of e-Discovery amendments in the Federal Rules of Civil Procedure
5. Analyze the differences between a court order and a subpoena
6. Examine the purposes and limitations of a subpoena
7. Compare the individuals involved in a trial
8. Organize the steps in a trial
9. Examine the legal appeals process
10. Explain the processes for the collection of judgment

#### Evidence

1. Explain the significance of health information as evidence
2. Distinguish between the types of evidence
3. Describe the concept of admissibility and authentication of evidence
4. Explain the evidentiary rule of hearsay and exceptions to the rule
5. Identify the components of the best evidence rule
6. Describe the principle of privilege, the types of communication it applies to, and when it may be waived
7. Discuss how evidence may be protected through the concept of legal hold and other administrative controls
8. Explain spoliation and the concern it raises in legal cases
9. Discuss legal protections applied to incident reports and peer review records

## **Unit II**

#### Tort Law

1. Differentiate between the various types of torts
2. Compare the legal theories of health institution liability
3. Select the appropriate causes of action and defenses associated with the improper disclosure of health information
4. Discuss liability of the health information professional
5. Contrast factors used to determine statutes of limitation
6. Appraise situations when criminal liability applies to healthcare situations
7. Compare and contrast the effectiveness of various tort reform measures

#### Corporations, Contracts, and Antitrust Legal Issues

1. Describe the most important benefits of forming as a corporation
2. Analyze the key differences between a for-profit and not-for-profit corporation
3. Articulate the key responsibilities of the governing board of a typical healthcare organization
4. Describe the basic elements of a valid contract
5. Discuss potential defenses against allegations of nonperformance (breach) of a contract
6. Describe the purposes of a hold harmless/indemnification clause
7. Articulate key areas of risk associated with health information technology contracts

8. Describe the physician–patient relationship as a contract
9. Distinguish the parameters of three major federal antitrust statutes
10. Explain contract and antitrust issues associated with medical staff

#### Consent to Treatment

1. Distinguish between express and implied consent
2. Identify the components of informed consent
3. Define and discuss the various types of advance directives
4. Discuss the consent rights and limitations of competent adults, incompetent adults, and minors
5. Describe the legal basis for challenging consent
6. Discuss how consent should be documented
7. Identify different types of consent forms

#### Legal Health Record: Maintenance, Content, Documentation and Disposition

1. Compare the purposes of the health record
2. Examine the potential components of the legal health record and the challenges associated with their inclusion
3. Examine the differences between a paper health record and an electronic health record
4. Differentiate the entities that establish documentation and maintenance standards for the health record
5. Create policies that support legally sound documentation principles
6. Examine the elements of a legally defensible health record
7. Develop procedures for the identification, retention, and disposition of health records

#### HIPAA Privacy Rule, Part I

1. Identify the purpose and goals of the HIPAA Privacy Rule
2. Compare the applicability of the HIPAA Privacy Rule to that of other laws that protect patient information
3. Analyze HIPAA Privacy Rule application to entities and information
4. Define HIPAA terms of art
5. Compare and contrast the HIPAA notice of privacy practices, consent, and authorization
6. Evaluate when written authorization is and is not required for uses and disclosures
7. Examine the restrictions that the HIPAA Privacy Rule places on the use of protected health information for commercial purposes
8. Distinguish situations when the minimum necessary requirement does and does not apply

#### HIPAA Privacy Rule, Part II

1. Demonstrate the individual rights granted by the HIPAA Privacy Rule through examples
2. Determine whether an unauthorized use or disclosure constitutes a breach, and apply the breach notification process when applicable
3. Examine the restrictions that the HIPAA Privacy Rule places on the use of protected health information for research
4. Conduct preemption analyses by examining conflicts and determine prevailing law between the HIPAA Privacy Rule and state law
5. Analyze administrative requirements and penalties for noncompliance imposed by the HIPAA Privacy Rule
6. Explain enforcement of the Privacy Rule and apply appropriate penalties based on the nature of violations
7. Explain privacy advocacy initiatives of the American Health Information Management Association

## **Unit III**

### The HIPAA Security Rule

1. Describe the purposes of the HIPAA Security Rule
2. Summarize the components of the Security Rule
3. Recognize security components for risk management

### Security Threats and Controls

1. Identify potential internal and external security threats, distinguishing human threats from natural and environmental threats and describing vulnerabilities
2. List mechanisms to prevent and detect identity theft
3. Identify types of medical identity theft and mechanisms to prevent, detect, and mitigate such theft
4. Distinguish access controls from systems controls and provide examples of each
5. Recognize the importance of contingency planning or disaster recovery planning in securing health information

### Patient Rights and Responsibilities

1. Distinguish the types of patient-provider relationships
2. Examine the factors that determine whether a patient has the right to receive or refuse medical treatment
3. Compare sources of patient rights with respect to their legal authority
4. Analyze how the rights of patients with mental illnesses can be exercised, including those relating to the use of seclusion and restraints
5. Differentiate various forms of patient health information rights and analyze how they benefit the patient
6. Illustrate how patient responsibilities can be carried out by individuals

### Access, Use, and Disclosure/Release of Health Information

1. Discuss the issues surrounding ownership and control of health information
2. Contrast access and disclosure rights between adults, incompetent adults, and minors
3. Explain the access and disclosure rights employers, employees, and other members of the workforce
4. Compare access and disclosure issues related to highly sensitive health information
5. Describe the access, request, and disclosure laws and concern for a variety of situations related to protecting the privacy and confidentiality of health records and information
6. Summarize the issues related to managing the release of information

## **Unit IV**

### Required Reporting and Mandatory Disclosure Laws

1. Describe the four elements of the HIPAA Privacy Rule that relate to required reporting laws
2. Identify the HIPAA exceptions that allow the release of health information without patient authorization
3. Discuss the common state reporting requirements related to abuse and neglect of children, the elderly, and the disabled
4. Describe state responsibility for reporting vital statistics including births, deaths, fetal deaths and induced termination of pregnancy, and reportable deaths
5. Contrast requirements for the reporting of communicable diseases to public health entities
6. Discuss federal and volunteer reporting requirements that do not require patient authorization
7. Compare various clinical, disease, and outcome-based registries and how patient privacy is protected

8. Discuss how an entity may be protected when disclosing patient information not required by law to public health authorities

#### Risk Management and Quality Improvement, and Patient Safety

1. Distinguish between quality, quality improvement, risk management, and patient safety
2. Contrast the typical steps one would find in a risk management program. and discuss the tools used in support of risk management activities
3. Summarize the federal regulations and government initiatives in support of quality and patient safety
4. Differentiate between the voluntary quality and patient safety reporting programs

#### Corporate Compliance

1. Differentiate between the concepts of fraud and abuse
2. Identify the major statutes, rules, and regulations that relate to compliance and fraud and abuse issues
3. List examples of policies and procedures to ensure the accuracy of coding
4. Explain the role of the Office of Inspector General and the Department of Justice
5. Describe the coordinated federal fraud and abuse programs
6. Describe the Recovery Audit Contractor Program and state efforts to enforce fraud laws
7. Explain corporate compliance programs

#### Medical Staff

1. Discuss the relationship of a healthcare organization's governing board to its medical staff
2. Describe the components of medical staff bylaws as required by the Joint Commission accreditation standards for medical staff
3. Identify the various categories of medical staff membership
4. Explain the significance of the medical staff credentialing process
5. Describe the process of applying for medical staff privileges, including primary source verification, and how privileges are determined
6. Discuss the duties and rights of a medical staff and issues related to disciplinary action, suspension of privileges, and due process under the law

#### Workplace Law

1. Identify the major laws related to discrimination prevention in the work setting
2. Explain the components of the Fair Labor Standards Act and related laws in regard to wages, overtime, compensation, and benefits
3. Discuss the federal laws that enable union activity in healthcare and their relationship to healthcare workers
4. Describe the components of the Occupational Safety and Health Act and how employees are protected by the Act

### III. Evaluation

#### A. The course grade is determined by

1. Unit Tests/Quizzes	35%	toward final grade
2. Comprehensive Final Exam	20%	toward final grade
3. Lab Activities/Homework & Participation	35%	toward final grade
4. Current Trends Reports	<u>10%</u>	toward final grade
TOTAL	100%	

- B. This is an online course. Students are encouraged to seek direction and help for those areas in which they experience difficulty. The course instructor may assign remedial or tutorial work designed to enhance student proficiency.
- C. The student must receive a grade of "C" or better to pass this course.
- D. A student not adhering to Health Occupation's Criteria for Course Pursuit may be administratively withdrawn from this course. (See attached)
- E. Grading Scale

93 - 100 = A  
83 - 92 = B  
75 - 82 = C  
74 - 63 = D (Failing for HIMA)  
0 - 62 = Failing

#### **IV. Disability Statement (American with/Disabilities Act [ADA])**

EPCC offers a variety of services to persons with documented sensory, mental, physical, or temporary disabling conditions to promote success in classes. If you have a disability and believe you may need services, you are encouraged to contact the Center for Students with Disabilities to discuss your needs with a counselor. All discussions and documentation are kept confidential. Offices located: VV Rm C-112 (831-2426); TM Rm 1400 (831-5808); RG Rm B-201 (831-4198); NWC Rm M-54 (831-8815); and MDP Rm A-125 (831-7024).

#### **V. 6 Drop Rule**

Students who began attending Texas public institutions of higher education for the first time during the Fall 2007 semester or later are subject to a 6-Drop limit for all undergraduate classes. Developmental, ESL, Dual Credit and Early College High School classes are exempt from this rule. All students should consult with their instructor before dropping a class. Academic assistance is available. Students are encouraged to see Counseling Services if dropping because exemptions may apply. Refer to the EPCC catalog and website for additional information.

#### **VII. Title IX and Sex Discrimination**

Title 9 (20 U.S.C. 1681 & 34 C.F.R. Part 106) states the following "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." The Violence Against Women Act (VAWA) prohibits stalking, date violence, sexual violence, and domestic violence for all students, employees and visitors (male and female). If you have any concerns related to discrimination, harassment, or assault (of any type) you can contact the Assistant to the Vice President for Student and Enrollment Services at 915-831-2655. Employees can call the Manager of Employee Relations at 915-831-6458. Reports of sexual assault/violence may also be reported to EPCC Police at 915-831-2200.

## **HEALTH OCCUPATIONS DIVISION CRITERIA FOR COURSE PURSUIT**

In order to establish guidelines for determining when a student has ceased to pursue the course objectives, the Health Occupations Division has set the following applicable standards.

1. The student must adhere to the attendance requirements of course HITT 1353. In order to pursue the course, the student must attend a minimum of 57 hours of instruction. (Meets a total of 64 hours – 32 lecture hours and 32 lab hours. Online “attendance”/compliance will be monitored.)
2. The student will not be able to make up campus-based theory hours. The student will be able to make up lab hours at the discretion of the instruction.
3. Tardiness will be defined as being fifteen (15) minutes or more late to laboratory sessions and fifteen (15) minutes or more late to theory sessions. Students will be allow two (2) events of tardiness, after which the tardiness will be considered and absence. (Of course, being an online course, this criteria will apply to scheduled online sessions, when applicable.)
4. The student also must follow the standards established in the El Paso Community College Catalog.
5. Where the student continues to pursue the course objectives but is receiving failing grades, he/she will remain eligible to complete the course, except in instances where unsafe practice occurs.
6. The student must appear for examinations, presentations, or other required class activities and submit required papers, projects, and/or reports as identified in the course syllabus/calendar.

Failure of the student to follow the above will indicate the student is no longer pursuing the objectives of the course and will result in faculty initiated withdrawal.

**EL PASO COMMUNITY COLLEGE  
HEALTH OCCUPATIONS DIVISION  
SCHOLASTIC DISHONESTY**

Scholastic dishonesty shall constitute a violation of rules and regulations and is punishable as prescribed by Board policies. Scholastic dishonesty shall include, but not be limited to, cheating on a test, plagiarism, and collusion. "Cheating" shall include:

1. Copying from another student's paper.
2. Using test material not authorized by the person administering the test.
3. Unauthorized collaborating with or seeking aid from another student.
4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of a test.
5. The unauthorized transportation or removal, in whole or in part, of the contents of the test.
6. Substituting for another student, or permitting another student to substitute for one's self, to take a test.
7. Bribing another person to obtain a test or information about a test.
8. "Collusion" shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.
9. Any student involved in scholastic dishonesty as identified above, or in the Student Handbook, may, at the discretion of the faculty:
  - a. Have the test or paper graded zero (0).
  - b. Be removed from the class.
  - c. Be recommended for administrative dismissal from the course or program.

The stringency of his policy is understandable when read in the context of an educational program preparing individuals for a health career where the safety and well-being of the public are largely dependent upon the knowledge and ethical responsibility of the health personnel. Evidence of unethical behavior, such cheating, precludes the instructional faculty's ability to declare prospective graduates to be reliable and ethical.