

MIDWESTERN STATE UNIVERSITY
COLLEGE OF HEALTH SCIENCES & HUMAN SERVICES
RADIOLOGIC SCIENCES

MASTER OF SCIENCE PROGRAM

Course Number: RADS 5023 3 Credits Spring 2021 (No Prerequisites)

Course Title: Legal & Regulatory Considerations

Faculty:

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Course Overview:

This course presents an overview of the legal issues, concepts, laws, and regulations facing the health care industry and higher education. Students will explore these in the context of the daily professional practice of radiology administrators and educators.

Course Objectives:

Upon completion of this course, a student will be able to:

- Discuss legal issues, concepts, laws and regulations such as malpractice, standards of care, scopes of practice, tort and contract liability, accreditation, academic freedom and tenure.
- Perform basic legal research to find relevant laws and court decisions.
- Identify important areas of legal concern in clinical practice and education.
- Demonstrate the ability to read, understand, and synthesize existing research, laws, and legal precedents and apply them to current problems.

Textbooks:

Pozgar, G. D. (2012). Legal aspects of health care administration. (13th ed.). Boston: Jones & Bartlett Publishers. [ISBN 978-1-284-06592-3]

Students need to be familiar with chapters 2-5,7,11, and19 prior to coming to the first weekend of class.

American Psychological Association. (2020). *Publication manual of the American Psychological Association.* 7th ed. Washington, DC: Author. [ISBN:978-1-4338-3216-1]

Teaching Strategies:

Lecture/discussion, seminar group activities, independent reading assignments, group discussion, written assignments, case studies, and student presentations. We will be on campus in Centennial Hall (Room TBA).

Attendance:

Without exception, students **MUST** attend and participate in both graduate seminar weekends to receive credit for this course. If you need to step out

Evaluation:

Expert Witness case study – 40%
Electronic Discussion Board – 15%
“Take Issue” Presentation – 30%
Group Activities/Class Participation – 15%

Grade Scale

A = 100 - 90
B = 89 - 80
C = 79 - 70
D = 69 - 60
F = 59 and below

Incompletes:

Incomplete grades are given only at the instructor’s discretion and **MUST** be requested by the student. If the instructor grants the “Incomplete,” the student has until ninety (90) days after the beginning of the next regular (long) semester to complete the course requirements. If the student does not complete the course requirements within the deadline, the grade of “Incomplete” will automatically convert into a grade of “F.” Please note that incompletes are given only in an emergency or when there are extenuating circumstances. Refer to the Graduate Bulletin for additional details about receiving a grade of “Incomplete” in a course.

The last opportunity to drop this course with a grade of “W” is 4:00 pm March 21, 2022. Refer to the Graduate Bulletin for details about receiving a grade of “Incomplete” in a course. In an emergency or extenuating circumstance, a student may request a grade of “Incomplete” in a course before grades are submitted. If the instructor grants the “Incomplete,” the student has until ninety (90) days after the beginning of the next long semester to complete the course

requirements. If the student does not complete the course requirements within the deadline, the grade of “Incomplete” will automatically convert into a grade of “F.”

CLASS ACTIVITIES AND ASSIGNMENTS

Any assignments submitted electronically as a Word document to the course dropbox should follow these guidelines:

IBM compatible format

Word 2003 or newer version (Microsoft WORKS is not acceptable)

Times New Roman 12 point font

1” margins on all sides

Standard MSU Title Page

Late submission of assignments and quizzes:

All assignments and quizzes have due dates listed in the syllabus. Due dates are in place to keep students on target for the semester and allow for instructors to provide detailed, constructive feedback. Assignments/quizzes not turned in on time will result in a “0” being assessed for that assignment.

With that being said, instructors understand that students who are enrolled in the MSRS program tracks may be responsible for managing many employees/students and family matters. If you need any assistance regarding a deadline, you must contact the instructor(s) at least 2 days before the due date to discuss the issue. “After the fact” will not be accepted and will result in the “0” grade.

We also realize emergencies (death, severe illness, etc.) occur; students must contact the instructor as soon as possible to resolve any due date conflicts. Extensions will be decided on a case-by-case basis.

Expert Witness Case Study - 40%

For this assignment, students will review a case as an expert witness. A case will be introduced, and each student will review legal documents, answer questions, and formulate a report. This assignment will be in two parts (20% each). This assignment will be released on the course homepage (D2L).

Due dates are listed in the chart at the end of the syllabus

Electronic Discussion - 15%

Due: Throughout the semester on specific dates.

Each student must describe an ethical situation or legal issue you know about or are currently experiencing in your workplace; you will use your situation throughout the semester in the discussions, so find something you would like to “stick” with for 14 weeks. You will have 4 original posts (the initial ethical or legal issue plus an original post for each of the three numbered modules) and 6 total responses to peers (you do not need to respond to peers for the initial post; you will respond to 2 peers for each of the numbered module discussions).

(To make this discussion format work smoothly, students should become familiar with techniques to follow existing electronic discussion threads and to open new discussion threads using the D2L Discussion Tool.)

"Take Issue" Presentation 30%

Each student will develop and lead a presentation on his/her "Take Issue" topic. Each presentation (the student lecturing to the class) will be at least fifteen (15) minutes and not more than twenty (20) minutes in length. An additional 5 minutes after the conclusion of the presentation will be allotted for questions/answers. Presentations will occur during the second class weekend.

"Take Issue" topics must be related to legal issues affecting Education, Administration, or Clinical Practice (preferably in the student's current Radiologic Sciences workplace and preferably linked to one of the textbook chapters). Topics must be approved by the instructor (first come – first serve). See the chart at the end of the syllabus for due dates.

The presentation will include the following areas:

- **"Take Issue" Topic and Background:** in this section, introduce the topic and provide textbook reference (if applicable) as well as all background information necessary to understand the situation at hand.
- **Legal and Regulatory Implications:** in this section, provide the legal/regulatory information regarding the topic such as laws related to the topic, punishment or fines for noncompliance, regulatory agencies involved (punishment or fines for noncompliance), etc.
- **Personnel (not personal) Impact:** in this section, describe the effects of compliance or noncompliance on professionals, patients, students, public, etc. who may be impacted by this issue.
- **Financial Impact:** in this section, discuss the monetary costs of compliance or noncompliance as well as annual costs to the healthcare, system, legal system, or educational system as applicable.
- **Solutions:** in this section, discuss the possible solutions to the issue and how each may be implemented. Include costs/benefit analysis of solutions and any legal or regulatory changes that may be needed.

Students should NOT read their assignment to the class. Presentations should be informative AND interactive. Students may use PowerPoint, but they are not required to use PowerPoint. Students must incorporate a group activity to reinforce their topic. Examples include: role-playing, before class assignments, audiovisual technology, handouts, games, competitions, and discussion. Students may provide classmates with preparatory reading materials before the class period if necessary. Students MUST upload their presentations to the discussion board as an attachment prior to their presentation in class.

Group Activities & Class Participation 15%

Even though we are not meeting in person this semester, students must attend both weekends and actively participate. Each student is expected to prepare and to participate in class discussions and activities on each topic. The quality, relevancy, and consistency of each student's participation will be evaluated by the instructor according to the following factors:

- Verbal and nonverbal participation
- Awareness of group dynamics and supportive behavior towards others encouraging discussion and clarifying issues
- Evidence of familiarity with the issues involved in each topic scheduled for discussion
- Contribution of relevant observations from personal, professional, and/or academic experiences

Course Assignments and Due Dates	
Course Deadlines	
Activity	Due Date
Ethical or Legal Topic – Discussion Board	Jan. 21
Group Activities & First Class Participation	Jan. 29-30
Expert Witness Batch One Released	Jan 31
Module 1 - Discussion Board - Original Post	Feb. 14
"Take Issue Topics Due (3 weeks)	Feb. 14
Module 1 - Discussion Board – Peer Response	Feb. 21
Module 2 - Discussion Board - Original Post	Feb. 28
Module 2- Discussion Board- Peer Response	Mar. 7
Expert Witness Part One Due (7 weeks)	Mar. 14
Expert Witness Batch Two Released	Mar. 14
Module 3 - Discussion Board - Original Post	Mar. 21
Module 3 - Discussion Board - Peer Response	Mar. 28
Expert Witness Part Two Due (10 weeks)	Apr. 4
Second Class Participation & "Take Issue" Presentations (13 weeks)	Apr. 30-May 1

Mid-semester check in – 3:00-5:00 p.m. CST – March 10 (Thursday).

Last day to withdraw: March 21, 2022, 4 p.m. CST

RADS 5023 Legal Topic Outline

Law sources in the United States

Common law
Constitutional/statutory law
Administrative law
Criminal law

Civil law
Case law
Tort law

Government Organization

Legislative branch
Executive branch
Judicial branch
Administrative departments and agencies
State court system
Federal court system
Ethics and the law

Tort Law

Negligent and intentional torts
Negligence
Malpractice
Intentional Torts
Products Liability
Legal concerns in clinical practice and education

Laws and Regulations in Health care

Standards of care
Scopes of practice
Contract liability

Tort Reform

Mediation/Arbitration
Structured awards
Pretrial screening panel
Collateral source rule
Contingency fee limitations
Frivolous claims
Joint/Several liability
No-fault claims
Reducing risks

Honor System:

RADS 5023 adheres to the MSU Code of Conduct. In particular, academic dishonesty, however small, creates a breach in academic integrity. A student's participation in this course comes with the expectation that his or her work will be completed in full observance of the MSU Code of Student Conduct. A student should consult the Student Handbook for answers to any questions about the code.

Many components of RADS 5023 are designed to be highly interactive with students helping each other learn. Students are encouraged to take full advantage of many resources available including Internet sites, handouts and module notebooks, other textbooks and journals, faculty, and peers. This interactive collegial learning environment is conducive for life-long learning.

Specific components of RADS 5023 are designed to represent the efforts of each student individually and are NOT to be shared. These components include the case summaries and paper. Students SHOULD NOT share their efforts in ANY WAY (including but not limited to discussion, electronic files, print copies, notes, etc). The only exception to this rule is during the final class presentations.

When students submit their efforts (paper and case summaries) for grading, they are attesting that they have abided by this rule.

By enrolling in this course, the student expressly grants MSU a “limited right” in all intellectual property created by the student for the purpose of this course. The “limited right” shall include but shall not be limited to the right to reproduce the student’s work product in order to verify originality and authenticity, and for educational purposes.

Concealed Carry:

Senate Bill 11 passed by the 84th Texas Legislature allows licensed handgun holders to carry concealed handguns on campus, effective August 1, 2016. Areas excluded from concealed carry are appropriately marked, in accordance with state law. For more information regarding campus carry, please refer to the University’s webpage at [Midwestern State University Campus Carry Rules and Policies](#)

Special needs:

In accordance with Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Midwestern State University endeavors to make reasonable adjustments in its policies, practices, services, and facilities to ensure equal opportunity for qualified persons with disabilities to participate in all educational programs and activities.

The Office of Disability Services (ODS) provides information and assistance, arranges accommodations, and serves as a liaison for students, instructors, and staff. The ODS has assistive devices such as books on tape, recorders, and adaptive software which can be loaned to qualified individuals. A student/employee who seeks accommodations on the basis of disability must register with the Office of Disability Services in the Counseling Center, Clark Student Center Room 108. Documentation of disability from a competent professional is required.

Individuals with grievances related to discrimination or lack of accommodation on the basis of a disability are encouraged to resolve the problem directly with the area involved. If the matter remains unresolved, advice and/or assistance will be provided by

the Office of Disability Services for resolution. The grievance procedure may be found in the Student Handbook and Activities Calendar.

The Director of the Counseling Center serves as the ADA Coordinator and may be contacted at (940)397-4618, TDD (940)397-4515, or 3410 Taft Blvd., Clark Student Center Room 108.

Administrative Process:

Unresolved issues related to this course should be first addressed between the student and the course instructor. If there is no resolution, students must follow this sequence:

Department Chair – Dr. Beth Veale' (940-397-4611)

Gunn College HSHS Dean – Dr. Jeff Killion (940-397-4594)

Dean of Students – Matthew Park (940-397-7500)