COURSE INFORMATION FORM

DISCIPLINE
Health Information Management

COURSE TITLE
HIM 108 Legal Aspects of Health Information Management

CR.HR. 3  LECT HR. _______  LAB HR. _______  CLIN/INTERN HR. _______  CLOCK HR. _______

CATALOG DESCRIPTION
Legal aspects surrounding the maintenance, use, disclosure, medical identity theft, and protection of health information. Understand the use of the medical record as a legal document, response to subpoena and testimony. Familiarization with federal regulations and statutes, including the Federal Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA) and the American Recovery and Reinvestment Act (ARRA).

PREREQUISITES
Formal admission into the HIM program, HLSC 108 or BIOL 109 or BIOL 110 and BIOL 210, ENGL 101, HIM 100

EXPECTED STUDENT OUTCOMES IN THE COURSE (ESO)

Upon completion of this course, the student will be able to:
1. Differentiate the types of laws that govern the healthcare industry.
2. Identify legal issues related to ownership, control, and confidentiality of health information.
3. Describe the jurisdiction of federal and state courts.
4. Explain the significance of statutes, administrative laws, and regulatory agencies with regard to the maintenance, use, and disclosure of health information.
5. Describe those torts applicable to the healthcare field.
6. Describe the requirements of informed consent.
7. Demonstrate the principles behind consent for treatment and what information can be released without the consent of the patient.
8. Explain the property rights of the health record.
9. Summarize the HIPAA Privacy Rule with regard to health information use and disclosures, including requirements implemented by ARRA (breach notification).
10. Describe types of medical identity theft and understand actions required by the Red Flag Rule.
11. Discuss the medical record as a legal document.
12. Demonstrate the medical record practitioner’s role in preparing a record for court answering a subpoena, and testifying in court.
13. Identify legal issues relating to the workforce, including employees and the medical staff.

GENERAL EDUCATION OUTCOMES (ESO)

Specify which general education outcomes, if any, are substantially addressed by the course. Numbers in parentheses identify the Expected Student Outcomes linked to the specific General Education Outcome.

Outcomes  ESO
PROGRAM-LEVEL OUTCOMES

CAREER AND TECHNICAL EDUCATION PROGRAM OUTCOMES
Specify which Career and Technical program outcomes, if any, are substantially addressed by the course by completing the “Career and Technical Education template” to show the relationship between course and program outcomes to assessment measures.

1. Define legal terminology and identify the use of legal documents by applying HIM principles to court related matters.
2. Apply retention and destruction policies for health information.
3. Apply policies and procedures for access and disclosure of health information and user access to protected health information.

CLASS-LEVEL ASSESSMENT MEASURES
Student accomplishment of expected student outcomes may be assessed using the following measures. (Identify which measures are used to assess which outcomes.)

Assignments (1, 4, 5, 6, 7, 9, 10, 12, 13)
Class discussion (1, 2, 3, 5, 8, 9, 10, 11, 13)
Examinations (1-13)
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Individual instructors may order this outline as fits the needs of their individual courses. In addition, they may place more emphasis on some areas than on others. What is assured is that this particular list is covered in the course. Other topics may be added to a course as the instructor sees fit, and as time and interest allow. An *asterisk can be used to mark an item as optional.

I. The Law
   A. Sources of the law
   B. Structure of the court system
      1. State system
      2. Federal system
   C. Resources for laws and regulations

II. Judicial Procedure
    A. Pretrial proceedings
    B. The trial
    C. Evidence
       1. Types of evidence
       2. Doctrine of “Res Ipsa Loquitur”

III. Criminal Law
    A. Felony
    B. Misdemeanor

IV. Civil Law
    A. Torts
       1. Intentional tort –elements
          a. Assault
          b. Battery
          c. False imprisonment
          d. Invasion of privacy
          e. Infliction of mental distress
          f. Defamation
             i. Slander
             ii. Libel
       2. Tort of Negligence
          a. Elements of negligence
          b. Types of negligence
             i. Malfeasance
             ii. Misfeasance
             iii. Nonfeasance
          c. Degrees of negligence
          d. Hospital negligence
             i. Doctrine of respondeat superior
             ii. Apparent agency
             iii. Corporate negligence
          e. Physician negligence
i. Malpractice
ii. Captain of the Ship Doctrine
iii. Good Samaritan Act

3. Products liability
   a. Warranties
   b. Strict liability
   c. Blood transfusions

4. Contracts
   a. Elements
   b. Abandonment
   c. Breach of confidentiality

V. The Health Record as a Legal Document
   A. Purpose of maintaining a health record
   B. Ownership of a health record
   C. Legal requirements
   D. Content of the health record
   E. Corrections
   F. Record retention
   G. Electronic patient record

VI. Patient Rights and Responsibilities

VII. Consent
   A. Types of consent
      1. Express
      2. Implied
      3. Presumed
      4. Informed

VIII. Elements Required for Informed Consent
   A. Exceptions to requirements for informed consent
   B. Consent forms
   C. Authorization
      1. Competent adult
      2. Incompetent adult
      3. Minors
      4. Court order
   D. Refusal to consent
      1. Competent adult
      2. Religion based adult refusal
   E. Special areas of consent
      1. Organ donation
      2. Autopsy
      3. HIV test consent
      4. Substance abuse
   F. Release of information
   G. Accounting for disclosures
   H. DNR orders and living wills
   I. Advance directives