Susan Hahn Reizner, J.D., CCEP

susan.hahn-reizner@northwestern.edu
Office Hours: By appointment only.

Course Description

This course addresses the legal, ethical, and social issues in health care informatics and equips students with the knowledge they need to spot key issues and potential liability, thereby better protecting students and their employers in the medical informatics field. The health care industry is dynamic, rapidly evolving, and highly regulated, and this course covers regulatory requirements that impact health care data and information management systems. The course explores Health Insurance Portability and Accountability Act privacy and security, fraud and abuse, confidentiality, disclosure, antitrust and intellectual property implications, and the roles of both government and quasi government bodies in shaping health information technology as a driver of health care services delivery and financing.

Text

None.

Software

None.

Prerequisites

None.

Learning Goals

The goals of this course are to:

- Prepare for impacts of a fundamental paradigm shift from provider-focused to patient-centered health information technology (HIT) implementation, management, and use.
- Develop organizational strategies that balance the underlying competing interests and ethical principles inherent in HIT.
- Analyze the ways government and quasi government bodies shape HIT regulatory policies.
- Integrate U.S. federal and state government requirements for data privacy, confidentiality, and security in compliant organizational policies and procedures.
- Recognize potential legal issues to enable risk assessment and protect the organization from legal liability.
- Compare and contrast key societal norms, HIT implementation, sustainability, and regulatory frameworks in the United States and other countries.
- Propose the potential for HIT to drive efficiency, access, and quality improvement for public health.

Evaluation

Students will receive point scores that assess the research, analysis and integration of professional knowledge reflected in their initial responses to two discussion questions posted for class discussion each week. In addition to receiving credit for their own initial responses, students will receive a class participation grade that reflects the extent they interact with classmates in the weekly discussions.

The student's final grade will be determined as follows:

- Course Project: 110 pts. (3 parts; 30 pts. for Part 1; 30 pts. for Part 2; 50 pts. for Part 3)
- Course Participation: 190 pts., or 19 DBs @10 pts. per DB:
  - Session 1: 20 pts. possible
  - Session 2: 20 pts. possible
  - Session 3: 20 pts. possible
  - Session 4: 20 pts. possible

- Session 5: 20 pts. possible
- Session 6: 20 pts. possible
- Session 7: 20 pts. possible
- Session 8: 20 pts. possible
- Session 9: 20 pts. possible
- Session 10: 10 pts. available

Total Points: 300 pts.

Grading Scale

A = 96%–100%
A- = 92%–95%
B+ = 88%–91%
B = 84%–87%
B- = 80%–83%
C+ = 70%–79%
C = 60%–69%
F = 0%–59%

Discussion Board Etiquette

The purpose of the discussion boards is to allow students to freely exchange ideas. It is imperative to remain respectful of all viewpoints and positions and, when necessary, agree to respectfully disagree. While active and frequent participation is encouraged, cluttering a discussion board with inappropriate, irrelevant, or insignificant material will not earn additional points and may result in receiving less than full credit. Frequency is not unimportant, but content of the message is paramount. Please remember to cite all sources—when relevant—in order to avoid plagiarism.

Proctored Assessment

None.

Attendance

This course will not meet at a particular time each week. All course goals, session learning objectives, and assessments are supported through classroom elements that can be accessed at any time. To measure class participation (or attendance), your participation in threaded discussion boards is required, graded, and paramount to your success in this class. Please note that any scheduled synchronous or "live" meetings are considered supplemental and optional. While your attendance is highly encouraged, it is not required and you will not be graded on your attendance or participation.

Late Work

Late assignments receive a 10% deduction for each day they are late if not posted by 11:55 p.m. central time on the day they are due. Assignments more than three days late will not be accepted. Technological issues are not considered valid grounds for late assignment submission. In the event of a university server outage, students should submit assignments as soon as systems are restored. Assignments submitted after the last day of class will not be accepted.

Learning Groups

Learning groups are not utilized in this course.

Academic Integrity at Northwestern

Students are required to comply with University regulations regarding academic integrity. If you are in doubt about what constitutes academic dishonesty, speak with your instructor or graduate coordinator before the assignment is due and/or examine the University Web site. Academic dishonesty includes, but is not limited to, cheating on an exam, obtaining an unfair advantage, and plagiarism (e.g., using material from readings without citing or copying another student's paper). Failure to maintain academic integrity will result in a grade sanction, possibly as severe as failing and being required to retake the course, and could lead to a suspension or expulsion from the program. Further penalties may apply. For more information, visit <www.scs.northwestern.edu/student/issues/academic_integrity.cfm>.

Plagiarism is one form of academic dishonesty. Students can familiarize themselves with the definition and examples of plagiarism, by visiting <www.northwestern.edu/uacc/plagiar.html>. A myriad of other sources can be found online.

Some assignments in this course may be required to be submitted through SafeAssign, a plagiarism detection and education tool. You can find an explanation of the tool at <http://wiki.safeassign.com/display/SAFE/How+Does+SafeAssign+Work>. In brief, SafeAssign compares the submitted assignment to millions of documents in large databases. It then generates a report showing the extent to which text within a paper is similar to pre-existing sources. The user can see how or whether the flagged text is appropriately cited. SafeAssign also returns a percentage score, indicating the percentage of the submitted paper that is similar or identical to pre-existing sources. High scores are not necessarily bad, nor do they necessarily indicate plagiarism, since the score does not take into account how or whether material is cited. If a paper consisted of one long quote that was cited appropriately, it would score 100%. This would not be plagiarism, due to the appropriate citation. However, submitting one long quote would probably be a poor paper. Low scores are not necessarily good, nor do they necessarily indicate a lack of plagiarism. If a 50-page paper contained all original material, except for one short quote that was not cited, it might score around 1%. But, not citing a quotation is still plagiarism.

SafeAssign includes an option in which the student can submit a paper and see the resultant report before submitting a final copy to the instructor. This ideally will help students better understand and avoid plagiarism.

Other Processes and Policies

Please refer to your SCS student handbook at <www.scs.northwestern.edu/grad/information/handbook.cfm> for additional course and program processes and policies.

Course Schedule

Important Note: Changes may occur to the syllabus at the instructor's discretion.
When changes are made, students will be notified via an announcement in Blackboard.

Session 1

Learning Objectives

After this session, the student will be able to:

- Describe a rapidly evolving, patient-centered social landscape in the United States and its impact on growing implementation of HIT.
- Interpret data detailing the costs, performance, and outcomes of current health care delivery and financing systems in the United States.
- Analyze health care costs, supply, and demand as elements of a potential perfect storm driving HIT policy in the United States.
- Compare and contrast global commonalities and differences in health care delivery and assess how the U.S. HIT landscape compares with other nations.

Course Content

Online Reading

California Improvement Network, *21st Century Primary Care: Engaging Patients in a Digital Age*

Hafner, *Concierge Medical Care with a Smaller Price Tag*

Shesgreen, Melding Technology and Health Reform for 'Patient Empowerment'

Corrigan, Executive Summary, Chapter 1, and Chapter 2 in *Crossing the Quality Chasm: A New Health System for the 21st Century*

Kaiser Family Foundation, *Trends to Watch for Curbing Health Care Costs*

Gawande, The Cost Conundrum: *What a Texas Town Can Teach us About Health Care*

HealthLeaders Media Breakthroughs, *Future Healthcare: Collaboration, Data, and Process Improvement to Lower Costs and Raise Quality*

Modern Healthcare Online, *U.S. Surgeon General Regina Benjamin on Prevention, Wellness and the Patient Protection and Affordable Care Act*

Reinhardt, *U.S. Health Care Spending in an International Context*

Beaulieu, *Patients' Peeves Consistent Across Borders*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

None.

Sync Session

This session is scheduled for Tuesday, January 3 at 7:00 p.m. (central time).

Session 2

Learning Objectives

After this session, the student will be able to:

- Discuss how common ethical principles come into play in the daily health care enterprise.
- Illustrate how competing interests create recurring ethical dilemmas in health care.

Course Content

Online Reading

Sabin, *Confronting Trade-Offs in Health Care: Harvard Pilgrim Health Care's Organizational Ethics Program*

Smith, *A Shared Statement of Ethical Principles for Those Who Shape and Give Health Care*

Berwick, *Refining and Implementing the Tavistock Principles for Everybody in Health Care*

Buell, *Ethics and Leadership: Setting the Right Tone and Structure Can Help Others in Their Decision Making*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

None.

Sync Session

None.

Session 3

Learning Objectives

After this session, the student will be able to:

- Distinguish among the roles, authority, and influence of the legislative, executive, and judicial government branches in shaping HIT regulatory policy at the state and federal levels.
- Articulate the spheres of influence and regulatory activities of key government regulatory agencies.
- Determine how state data protection laws, regulations, and expanded authority of states' attorneys general under the HITECH Act intersect with federal regulation of HIT.
- Integrate the roles and influence of quasi-government bodies in the HIT regulatory scheme.

Course Content

Online Reading

Burke, The U.S. Congress and health policy

Carlson, *Supreme Court Strikes Down Vt. Data-Mining Regulation*

National eHealthCollaborative, *Introduction to the Learning Health System*

Kaiser Family Foundation, *The Innovation Center: How Much Can it Improve Quality and Reduce Costs—And How Quickly?*

Centers for Medicare and Medicaid Services, *ICD-10 and Version 5010 Compliance Timelines*

American Health Information Management Association, *Top 10 List: Phase 2-ICD-10-CM/PCS Implementation Preparation*

Mertz, *Personal Health Data on the Net: States Address Privacy Concerns*

Alfreds, *Accountability in Health as We Enter the Digital Age*

Purington, *Electronic Release of Clinical Laboratory Results: A Review of State and Federal Policy*

Joint Commission, Issue 42: *Safely Implementing Health Information and Converging Technologies*

Health Level Seven International, *About HL7*

Corrigan, Chapter 6 and Chapter 7 in *Crossing the Quality Chasm: A New Health System for the 21st Century*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

Challenge Project: Part 1 (Charter) is due Sunday, January 22, 2012 at 11:55 p.m. (central time). For more information, click Assignments on the left navigation panel in Blackboard, and scroll to this assignment's item.

Sync Session

None.

Session 4

Learning Objectives

After this session, the student will be able to:

- Compare and contrast the prevalent privacy norm in the United States with differing norms of other nations.
- Investigate regulatory action taken to resolve ethical dilemmas related to patient privacy and confidentiality of personal health information (PHI).
- Debate whether the HIPAA Privacy Rule's reach to business associates and breach notification requirements as amended by the 2009 HITECH Act effectively resolves operational and ethical dilemmas.
- Distinguish between PHI disclosures that require patient consent and those that are permitted without consent to facilitate treatment, payment, or operations.
- Identify entities covered by the Federal Trade Commission Health Breach Notification Rule.
- Analyze a compliance framework that safeguards data privacy, identifies triggers and details a plan of action in case of breach.

Course Content

Online Reading

Whitman, The Two Western Cultures of Privacy: *Dignity Versus Liberty*

Organization for Economic Cooperation and Development, *The Evolving Privacy Landscape: 30 Years After the OECD Privacy Guidelines*

U.S. Department of Homeland Security, *Privacy Policy Guidance Memorandum 2008-01*

Wattenberg, *Frequently Asked Questions: Applying the Substance Abuse Confidentiality Regulations to Health Information Exchange (HIE)*

Office of the National Coordinator for Health Information Technology, *Consumer Consent Options for Electronic Health Information Exchange: Policy Considerations and Analysis*

U.S. Department of Health & Human Services, *Health Information Privacy: Summary of the HIPAA Privacy Rule*

U.S. Department of Health & Human Services, *News Release: HHS Announces Proposed Changes to HIPAA Privacy Rule*

American Medical Association, W*hat You Need to Know About the New Health Privacy and Security Requirements*

American Medical Association, *HIPAA Violations and Enforcement*

U.S. Federal Trade Commission, *Complying with the FTC's Health Breach Notification Rule*

U.S. Department of Health & Human Services, *Security Rule Guidance Material*

Federal Trade Commission, *Protecting Consumer Privacy in an Era of Rapid Change: A Proposed Framework for Businesses and Policy Makers*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

None.

Sync Session

None.

Session 5

Learning Objectives

After this session, the student will be able to:

- Determine the security challenges of portable devices as storage and application platforms.
- Recommend security strategies to safeguard data on portable devices.
- Investigate social networks as a new and unregulated frontier in health information exchange.
- Identify obstacles to securing data on social network platforms.

Course Content

Online Reading

U.S. Department of Health and Human Services, Food and Drug Administration, *Draft Guidance for Industry and Food and Drug Administration Staff—Mobile Medical Applications*

Mosquera¸ *8 Tactics for Mobile Data Privacy and Security*

Fox, *The Social Life of Health Information*

American Medical Association, *Professionalism in the Use of Social Media*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

None.

Sync Session

None.

Session 6

Learning Objectives

After this session, the student will be able to:
- Debate whether HIT is more commonly used to perpetrate fraud and abuse (as in medical identity theft) or to detect and control fraud and abuse (as in predictive modeling).
- Argue the pros and cons of the Genetic Information Nondiscrimination Act as a model for broader anti-discrimination protections and limits on data access.
- Analyze antitrust implications of health information sharing, including sharing by public and private health insurers.
- Assess the value of public and private sector initiatives intended to lessen administrative burdens, potential liability, and costs related to licensing and use of intellectual property.

Course Content

Online Reading

Miliard, CMS, Partners to Move Beyond 'Pay and Chase' Anti-Fraud Efforts

U.S. Department of Health and Human Services, *New Tools to Fight Fraud Strengthen Medicare and Protect Taxpayer Dollars*

U.S. Equal Employment Opportunity Commission, *Genetic Information Discrimination*

Burke, *Health System Reform and Antitrust Law: The Antitrust Aspects of Health Information Sharing by Public and Private Health Insurers*

U.S. Department of Justice, *Proposed Statement of Antitrust Enforcement Policy Regarding Accountable Care Organizations Participating in the Medicare Shared Savings Program*

National eHealth Collaborative, *So Happy Together: Harmonizing HIE Legal Agreements*

Small Business Council of America, *Intellectual Property Health Law*

DerGurahian, Mitigating Cost, *Management of Health IT Intellectual Property*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

Challenge Project: Part 2 (Statement of Work) is due February 12, 2012 at 11:55 p.m. (central time). For more information, click Assignments on the left navigation panel in Blackboard, and scroll to this assignment's item.

Sync Session

None.

Session 7

Learning Objectives

After this session, the student will be able to:

- Articulate the role of HIT in furthering evidence-based practice and its potential for improving efficiency and quality of care.
- Weigh the potential for decision support tools to enhance quality improvement against potential challenges and emerging legal issues.

Course Content

Online Reading

Corrigan, Chapter 6 and Chapter 2 in *Crossing the Quality Chasm: A New Health System for the 21st Century*

Mosquera, *Beacons Will Record, Share Health Outcomes in Evidence Network*

Berner, *Ethical and Legal Issues in the Use of Clinical Decision Support Systems*

Vigoda, *e-Record, e-Liability: Addressing Medico-Legal Issues in Electronic Records*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

None.

Sync Session

None.

Session 8

Learning Objectives

After this session, the student will be able to:

- Evaluate the viability of the Medicare & Medicaid Electronic Health Records Incentive Programs to drive increased adoption of EHRs.
- Explain the role of HIT in the infrastructures of Affordable Care Organizations and other evolving delivery and financing structures.

Course Content

Online Reading

U.S. Department of Health & Human Services, National Institutes of Health, *Medicine Dish: CMS Electronic Health Records Incentive Program*

National Institute of Standards and Technology, *Meaningful Use of Electronic Health Records Depends on Usable and Accessible Systems*

Lohr, *Seeing Promise and Peril in Digital Records*

Corrigan, Chapter 8 in *Crossing the Quality Chasm: A New Health System for the 21st Century*

Viola, *Accountable Care: Implications for Managing Health Information*

Berwick, *Launching Accountable Care Organizations—The Proposed Rule for the Medicare Shared Savings Program*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

None.

Sync Session

None.

Session 9

Learning Objectives

After this session, the student will be able to:

- Predict whether current public and private initiatives to head off a digital divide will adequately distribute the benefits of HIT to underserved and vulnerable populations.
- Identify emerging data management issues involving the collection and use of PHI specific to vulnerable populations.
- Extrapolate changing societal expectations of privacy based on emerging trends in consumers' management of their personal health records, data monitoring, acquisition, and disclosure to unregulated entities.

Course Content

Online Reading

U.S. Government Accountability Office, *Telecommunications: FCC's Performance Management Weaknesses Could Jeopardize Proposed Reforms of the Rural Health Care Program*

Alliance for Health Care Reform, *Strengthening Medicaid with Health Information Technology: Are Providers & States Up to the Challenge?*

Wiley-Blackwell, *Access to Personal Medical Records Increases Satisfaction Among New Cancer Patients*

Co, *Electronic Health Record Decision Support and Quality of Care for Children with ADHD*

U.S. Department of Health & Human Services, *National Institutes of Health, Clinical Research and the HIPAA Privacy Rule*

American Health Information Management Association, *Information for Caregivers*

Agarwal, *The Complexity of Consumer Willingness to Disclose Personal Information: Unraveling Health Information Privacy Concerns*

National Strategy for Trusted Identities in Cyberspace, *Enhancing Online Choice, Efficiency, Security, and Privacy*

The White House, *International Strategy for Cyberspace*

Westin, *What Two Decades of Surveys Tell Us About Privacy and Health Information Technology Today*

Kolbasuk McKee, *When Social Features Meet Personal Health Records*

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

None.

Sync Session

None.

Session 10

Learning Objectives

After this session, the student will be able to:

- No new learning objectives will be introduced in this session.

Course Content

Online Reading

None.

Discussion Board

Each session you are required to participate in the session-specific discussion board forum. Your participation in both posting and responding to other students' comments is graded. For this session's discussion topic(s), visit the discussion board in Blackboard.

Assignments

Challenge Project: Part 3 (Final Project Plan) is due Sunday, March 11, 2012 at 11:55 p.m. (central time). For more information, click Assignments on the left navigation panel in Blackboard, and scroll to this assignment's item.

Sync Session

None.