

**Vermont Law School
Fall 2020**

HEALTH LAW

SYLLABUS

**Spencer R. Knapp
Adjunct Professor**

Class Times: T, Th 9:55-11:10

Format: Online via Reads or Zoom. Links to be provided in advance.

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Office Hours: By appointment arranged by email or phone. Meetings by Reads or Zoom.

Course Description

This course will provide an intensive but high level introduction to health law – the broad body of laws governing the provision, organization and financing of health care in the United States. We will focus on the subjects most applicable to lawyers representing health care providers and regulators in a challenging and dynamic regulatory environment.

The course will have roughly six parts, following the Furrow casebook described below. First, the course will develop the context for our studies, a basic understanding of the highly fragmented health care “system,” which is not really a coordinated system at all. This first section will focus on the four recurring themes that pervade health law and policy: cost, quality, access, and choice. (Furrow, Chapters 1 and 9).

Second, we’ll study the “command and control” approaches to quality control (Furrow, Chapters 2-3), looking closely at regulation and licensure of health care professionals and facilities.

Third, we’ll examine the legal framework of the patient-provider relationship and the basic principles of professional liability claims involving health professionals and institutions. (Furrow, Chapters 4-6).

Fourth, the course will review the financial underpinnings of health care (Furrow, Chapters 6-8) focusing on the laws governing private, commercial health insurance, public health insurance, principally Medicare and Medicaid, and the Affordable Care Act. (Furrow, Chapters 10-11).

Fifth, we will explore the laws governing the corporate structure of health care organizations, particularly those involving: hospital-physician relations, corporate governance, tax, fraud and abuse, and antitrust.(Furrow, Chapters 12-15).

Finally, we will briefly review issues of population health and public health, including an introduction to the Vermont experiment in an all payer reimbursement system.

Version dated August 10, 2020

The span of our studies will necessarily be wide but not deep, providing a fast-paced survey of the key issues in a health lawyer's practice.

Course Materials

Most required readings are from Furrow, *et al*, HEALTH LAW, CASES MATERIALS AND PROBLEMS (*Abridged*, 8th ed. 2018). We will use the paperback abridged edition because it covers all of the essential materials in the full edition, is less expensive, lighter than a concrete block, and easier to transport. Assume the readings listed are from this casebook unless otherwise noted. The authors cite to many additional sources throughout the text. None of those cited materials are required reading. Additional required or optional readings will be noted in the syllabus.

Online Format

This semester the course will follow VLS COVID policies and be taught online using Microsoft Reads or Zoom. Links will be provided in advance of class. Students are expected to observe online etiquette and protocols and to conduct themselves professionally.

Class Preparation & Participation

Reading assignments for each class are included in the Syllabus below and any updates will be posted on TWEN with an expectation that all assigned materials will be read thoughtfully in advance and that good preparation will be a foundation for lively classroom discussions.

Guest Presenters

From time to time invited guest experts may appear in class to present on the topics under discussion. Announcements about this will be made as the semester proceeds. Respectful attendance and dialogue with the guests will be expected.

Problem Exercises/Essays

There will be 4-6 written assignments either in the form of problem exercises or short essays.

Final Exam

There will be a take-home, open-book final exam but no mid-term.

Grading

The final grade will be a combination of grades on the problem exercises/essays (1/3rd), the final exam (1/3rd) and classroom preparation, attendance and participation (1/3rd).

Overall Course Objectives

The objective of the course is to provide an introduction to the broad range of laws that impact lawyers who represent health care providers in the United States or government agencies that regulate providers. The course description outlines the focus of the course studies.

Learning Outcomes

Upon completion of this course, students should be able to identify and analyze on at least a preliminary basis the health law issues to be covered.

This schedule of readings and assignments is subject to changes as the semester proceeds, but students will be given at least one-week advance written notice of the changes. Assignments and readings for Weeks 1 and 2 are fixed.

Health Law – Scheduled Class Readings, Discussion Topics and Assignments

| <u>Weeks</u> | <u>Advance Readings</u> | <u>Discussion Topics in Class</u> | <u>Assignments</u> |
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| Late Summer Reading/Listening | | | |
| <p>For an entertaining and sobering introduction to the American medico-legal system , listen to the <u>first six episodes</u> of the podcast “Dr. Death” by Wondery, available on any podcast source. Each episode is about 35-45 minutes – ideal for short trips in the car or a quiet moment on the couch. The podcast is engaging entertainment but will introduce many of the topics we’ll explore more seriously later in the course. It shows physicians and lawyers interacting in the health system – often at their very worst and occasionally at their very best. Highly recommended (as the podcast will be a point of reference in the first class and throughout the semester) but not required.</p> | | | |
| Week 1 | | | |
| Tues. Aug 25 | <p>Chapter 1, Cost, Quality, Access and Choice (pp. 1-25).</p> | <p>Orientation to the semester and introduction to the key themes that pervade health law and policy.</p> | <p>Consider and be prepared to explain in class why you are taking this course and what you hope to learn.</p> <p>Be prepared to address in class the questions raised in the note on p. 11, the question raised by the Commonwealth Fund report (pp. 11-13)(why is the US doing so poorly compared other wealth countries?), and the questions in the notes on pp.24-25.</p> |
| Thur. Aug 27 | <p>Chapter 9 – Health Care Reform: The Policy Context, Sections I, II.A, and III (pp. 359-362 and 371- 385)</p> <p>Gawande, <i>The Cost Conundrum</i> (The New Yorker, 2009) https://www.newyorker.com/magazine/2009/06/01/the-cost-conundrum</p> | <p>Why is the cost of health care in the US so high, while the quality is comparatively low, and access is so limited to many?</p> | <p>Be prepared to articulate in class the principle drivers of the comparatively high costs, limited access and low quality of health care in the United States.</p> <p>What is wrong in McAllen, Texas?</p> |
| Week 2 | | | |

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| <p>Tues. Sept 1</p> | <p>Chapter 9 – Section IV (pp. 385-405)</p> <p>Also read: Berwick on Triple Aim https://www.healthaffairs.org/doi/full/10.1377/hlthaff.27.3.759</p> <p>Republican Study Committee’s Health Care Plan: https://rsc-johnson.house.gov/news/press-releases/rsc-releases-health-care-plan</p> <p>Biden’s Health Care platform: https://joebiden.com/healthcare/</p> <p>Sanders’ Medicare for All plan: https://berniesanders.com/issues/medicare-for-all/</p> | <p>Continued discussion of fundamental health law issues from the last class – laying the foundation for future work. Focus on the tools available to policy makers for health care reform.</p> | <p>Consider and be prepared to discuss in class what you think is the most critical problem or challenge facing the US health care system. Is it the high cost, the poor quality, the low level of access, or something else? Why?</p> <p>And be prepared to discuss in class who you believe offers the most promising plans to address these challenges: the Republicans through President Trump; the Democrats through former Vice President Biden; or those who support the Medicare for All proposals of Senator Sanders? Why?</p> |
| <p>Thurs. Sept 3</p> | <p>No additional readings. Review prior readings assigned.</p> | <p>Health reform policy initiatives and presentation of papers in class.</p> | <p>Essay No 1: Submit prior to the start of class on 9/3 and be prepared to present in class a brief (no more than three pages) essay responding to these questions, based on only the readings to date:</p> <ol style="list-style-type: none"> 1. What do you think is the most critical problem or challenge facing the US health care system? Why? 2. What do you think are the most promising approaches to address these challenges? Why? 3. In your opinion, which political plan best embodies these approaches: the Republican Study |

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| | | | <p>Committee plan embraced by President Trump; the health reform plan of former Vice President Biden; or the Medicare for All plan of Senator Sanders and others? Why?</p> <p><i>Essays should be typewritten in Word format and single spaced with the student's name and the date at the top.</i></p> |
| Week 3 | | | |
| Sept 8 | <p>Chapter 2, Quality Control Regulation, Licensing of Health Care Professionals, Sections I, II, IV and V (pp. 27-38 and 44-57). Omit Section III.</p> <p>Also review Vermont Rules on Opiate Prescriptions:</p> <p>https://www.sec.state.vt.us/media/818457/rules-governing-the-prescribing-of-opioids-for-pain-chapter-2-alcohol-and-drug-abuse.pdf</p> | <p>Licensing health professionals – is it effective as a means of regulating health quality?</p> <p>Vermont’s approach to opiate prescriptions by physicians – does it make sense to you?</p> | <p>Be prepared to discuss the rationale of the four cases assigned in the materials on Discipline (<i>Williams</i> and <i>Hoover</i>); Unlicensed Practice (<i>Ruebke</i>); and Scope of Practice (<i>Sermchief</i>)</p> <p>Also be prepared to discuss and analyze the problems in the notes to this Chapter.</p> |
| Sept 10 | <p>Chapter 4, The Professional-Patient Relationship, Sections I-III (pp. 87-110; 117-118).</p> <p>Also, “Vermont Bans Gifts and Expands Disclosure Requirements for Payments to Health Care Providers” (Health Care & Life Sciences Client Alert, EpsteinBeckerGreen, Oct</p> | <p>When do providers have legal “duties” to patients? Can they avoid or narrow these duties?</p> <p>What must providers disclose to patients to lawfully obtain their consent to treatment?</p> <p>How do gifts from vendors to physicians impact their treatment decisions?</p> | <p>Compare <i>Esquivel</i> (pp/87-91) and <i>White v. Harris</i> (pp. 91-95). Be prepared to discuss the different outcomes.</p> <p>Consider whether (or not) you agree with the legal standards for “informed consent” in <i>Canterbury</i> (pp101-108).</p> <p>Be prepared to express your opinion as to whether you believe the laws banning or requiring reporting of gifts to</p> |

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| | 2009) Available online at https://www.ebglaw.com/news/vermont-bans-gifts-and-expands-disclosure-requirements-for-payments-to-health-care-providers/ | | physicians are justified and appropriate? |
| Week 4 | | | |
| Sept 15 | Chapter 4 – The Professional-Patient Relationship, Section IV (p. 131-153). Also read: Lawson v. Halpern-Reiss , 2019 VT38, Available online at https://www.vermontjudiciary.org/sites/default/files/documents/op18-157.pdf | The common law and federal requirements under HIPAA protecting the confidentiality and privacy of provider-patient communications. | Consider the Problems on pp. 126-7 and 153 and be prepared to answer the questions on p. 153. Also consider the implications of <i>Lawson</i> for Vermont hospitals. Does it really change their obligations of patient confidentiality? |
| Sept 17 | No additional readings. Review readings assigned for prior class. | Continued discussion of HIPAA and confidentiality. | Submit prior to start of class and be prepared to discuss Essay No. 2 described below: |
| <p>Essay No. 2:</p> <p>Consider the following factual scenario: Dr. Dufus is employed as a psychiatrist by University Hospital and as a professor of psychiatry by University Medical School. He is engaged in a research study on the impact of COVID on working mothers with young children. More than 800 University Hospital patients are enrolled in the study. Dr. Dufus maintains a database in his laptop that contains University Hospital medical records and other personal information on all the patients in the study. The laptop is not encrypted. Dr. Dufus generally keeps the laptop with him, but while shopping for a few moments in a local supermarket, Dr. Dufus leaves the laptop in the back seat of his parked car. His car is stolen with the laptop in it. Dr. Dufus does not recover the car and does not know what has happened to his laptop. He reports this incident to the Chief Medical Center of University Hospital who seeks advice from you, the General Counsel.</p> <p>Based on these facts, prepare a brief memo to the Chief Medical Officer (no more than 3 pages) responding to these questions:</p> <p>1. What legal issues are raised by these facts and what actions should University Hospital take to assure legal compliance and mitigate legal risks?</p> | | | |

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| 2. If a patient in Dr. Dufus’s study is notified or becomes aware of this incident, what recourse would the patient have against Dr. Dufus or University Hospital? What legal issues would arise? | | | |
| Week 5 | | | |
| Sept 22 | <p>Chapter 5 – Liability of Health Care Professionals, Section I (pp. 155- 181)</p> <p>10 VSA Section 1042, available online at: https://law.justia.com/codes/vermont/2012/title12/chapter27/section1042</p> | <p>What are the legal standards of care applicable to physicians and other providers and how are they established in a professional liability case.</p> <p>How do medical malpractice cases actually proceed and what is the role of expert witnesses?</p> | <p>Consider and be prepared to comment on the rationale and outcomes of the two Mississippi court decisions in <i>Hall</i> and <i>Conn.</i></p> <p>Consider the merits and implications of Vermont’s requirement of a Certificate of Merit.</p> <p>Consider and be prepared to answer the questions on the Problem on p. 181 in light of <i>Wickline</i>.</p> |
| Sept 24 | <p>Chapter 5 – Liability of Health Care Professionals, Section II-IV (pp. 181-206)</p> <p>Smith v. Parrott. 175 VT 375 (2003) available online at: https://law.justia.com/cases/vermont/supreme-court/2003/2002-322op.html</p> | <p>What defenses are available to health care providers facing claims of professional liability? What may they do to avoid or mitigate the risks of liability?</p> | <p>Consider and be prepared to comment on the “The Difficult Patient” Problem on p. 197 in light of <i>Ostrowski</i>.</p> <p>Compare the results in <i>Herskowitz</i> (pp.199-204) and <i>Smith v. Parrott</i> in light of the problem “Missing the diagnosis” (p. 206). Will your response depend on what state Jane Rogers was living in?</p> |
| Week 6 | | | |
| Sept 29 | <p>Chapter 6 – Liability of Health Care Institutions, Sections I-III (pp. 207 – 236. Omit 236 et seq. but consider problem on pp. 243-4)</p> | <p>What are the range of relationships between hospitals and physicians in the US? In what circumstances, may hospitals be liable for physician misconduct that occurs in the hospital?</p> | <p>Review text and cases: Scott (p.210); Burless (p.213); Darling (p.222); Thompson (p. 227); and Carter (p. (232);</p> <p>Consider and be prepared to discuss in class “The Birthing Center” problem on pp. 243-4.</p> |
| Oct 1 | <p>Chapter 7 – Discrimination and Unequal Treatment in Health Care, Section III (pp. 269-282). Omit Sections I and II.</p> | <p>What are the specific obligations of hospital ER’s under EMTALA?</p> <p>How does the mental health crisis impact a provider’s EMTALA obligations?</p> | <p>Consider Miller and Lilles problem claims (pp. 282-3) and be prepared to answer the questions presented.</p> |

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| | <p>“EMTALA and the challenges of treating behavioral health patients in crisis,” <i>Compliance Today</i>, February 2018 (posted in Course Materials)</p> <p>And: https://www.arentfox.com/perspectives/health-care-counsel-blog/south-carolina-hospital-settles-oig-over-alleged-emtala</p> | | |
| Week 7 | | | |
| Oct 6 | <p>Review: Chapter 9 pp. 385-404 .</p> <p>Read: Chapter 10 – Regulation of Insurance and Managed Care, Sections I and II (pp. 407-437)</p> | <p>Review of the basic tools available to address the interconnected challenges of cost, access and quality.</p> <p>Understanding the basic structure of the Patient Protection and Affordable Care Act and how it uses the health reform tools discussed in Chapter 9.</p> | <p>Be prepared to explain the three legs of the ACA stool in terms that a layperson could understand.</p> |
| Oct 8 | <p>Read in Course Materials:</p> <p>1. Executive Summary, Introduction and Recommendations to: “Act 128: Health System Reform Design, Achieving Affordable Universal Health Care in Vermont” William Hsiao, Steven Kappel, Jonathan Gruber (January, 2011) (pp. ix-xix; 1-7 and 163-166.</p> <p>2. Brief Summary of Act 48.</p> <p>3. Report of Vermont Legislature’s Joint</p> | <p>Politics of Health Reform:</p> <p>Focus on Vermont’s efforts to establish a single payer health system alongside the ACA.</p> | <p>Consider the merits, legal barriers and complexities of establishing a universal health care system in a single State, even a small one like Vermont.</p> |

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| | <p>Fiscal Office on Act 128 and Act 48.</p> <p>4. “The Rise and Fall of Vermont’s Single Payer Plan,” Verlain (Cornell Policy Review, 2017</p> | | |
| Week 8 | | | |
| Oct 13 | No class or assigned readings. Fall Recess. | | |
| Oct 15 | <p>Chapter 10 – Regulation of Insurance and Managed Care, Section III (pp. 438-466)</p> <p>Also: “Explaining Texas v. U.S.: A Guide to the 5th Circuit Appeal in the Case Challenging the ACA,” Kaiser Family Foundation (July 2019) Available at: https://www.kff.org/health-reform/issue-brief/explaining-texas-v-u-s-a-guide-to-the-5th-circuit-appeal-in-the-case-challenging-the-aca/</p> | <p>Challenges to ACA, particularly those leading to the Supreme Court decision in <i>Sebelius</i> in 2012 and repeal of the individual mandate in 2017, effective in 2019.</p> | <p>Be prepared to explain the rationale of <i>Sebelius</i> and whether you believe the constitutional analysis is sound and defensible.</p> <p>Consider whether the three-legged “stool” of ACA is vulnerable, now that one its legs has been knocked out.</p> |
| Week 9 | | | |
| Oct 20 | <p>Chapter 11 – Public Health Financing Programs, Sections I-II (Medicare)(pp. 481-94; 498-503)</p> | <p>Basics of eligibility, coverage and payment for Medicare Parts A, B and D.</p> | <p>Be prepared to address the policy questions in the three “critical thinking” exercises and to discuss the Problem on IPSS on p. 491.</p> <p>Be prepared to evaluate the merits and success of the Medicare Shared Savings Program for ACO’s (pp. 499-503)</p> |
| Oct 22 | <p>Chapter 11 – Public Health Financing Programs, Sections III (Medicaid)</p> <p>“Where Are States Today? Medicaid and</p> | <p>Overview of eligibility and benefits issues under the joint federal-state Medicaid program, the distinctions between “traditional” Medicaid and the expanded Medicaid under ACA, and the interplay of federal and</p> | <p>Be prepared to explain and comment on the excerpted portion of <i>Sibelius</i> and the impact of this decision.</p> <p>Be prepared to explain Medicaid eligibility levels in your home</p> |

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| | <p>CHIP Eligibility Levels for Children, Pregnant Women, and Adults” Available online at: https://www.kff.org/medicaid/fact-sheet/where-are-states-today-medicaid-and-chip/</p> | <p>state power under the Medicaid program.</p> | <p>state and compare them to those in Vermont.</p> <p>Be prepared to respond to the Medicaid Eligibility Problem (p. 727).</p> <p>Consider and be prepared to comment on the implications of denying Medicaid coverage to persons who cannot afford insurance.</p> <p>Compare the 6th Circuit’ analysis in <i>Westside Mothers</i> with the Supreme Court’s analysis in <i>Armstrong</i>.</p> |
| Week 10 | | | |
| Oct 27 | <p>Chapter 12 – Professional Relationships in Health Care, Section I (pp. 559-577 and first part of Section II (pp. 577-583).</p> | <p>Overview of Hospital-physician relationships, including medical staff membership and physician employment.</p> <p>Internal and judicial review processes for decisions on clinical privileges of physicians.</p> <p>Impact of HCQIA on physician rights to recover damages.</p> <p>Doctrine of “at will’ employment and its limits.</p> | <p>Be prepared to describe the processes for assigning clinical privileges to physician members of a hospital’s medical staff and the internal and judicial review processes for limiting or terminating those privileges in light of the <i>Sokol</i> and <i>Mateo-Woodburn</i> decisions.</p> <p>Be prepared to comment on the “public policy” exception to at will termination as articulated in <i>Turner</i>. Consider whether whistleblower legislation (p. 582) would have assisted Turner’s claim.</p> |
| Oct 29 | <p>Chapter 13 – The Structure of Health Care Enterprises, Section I pp. 591-599.</p> <p>Review following posted in Course Materials:</p> <p>Sample Bylaws of a University Hospital</p> <p>Sample Articles of Incorporation and</p> | <p>Overview of organizational structures of hospital providers, with a focus on (a) the structure of a non-profit hospital that is a member of a health care system and (b) an ACO organized as a limited liability company.</p> | <p>Be prepared to describe the governance structure of XYZ Hospital as described in the sample documents.</p> <p>Be prepared to describe differing structure of the ACO as described in the sample Operating Agreement.</p> |

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| | Bylaws of University Health System Parent Sample Operating Agreement of Limited Liability Company for Accountable Care Organization | | |
| Week 11 | | | |
| Nov 3 | Chapter 13 – The Structure of Health Care Enterprises, Section II (Tax-exempt orgs) These pages only: pp. 601-619; 629-632, 635-641. | Overview of the tax laws and principles applicable to tax exempt hospitals and other health care providers or related organizations, with particular attention to “community benefit” standards and the principles of “private benefit,” “private inurement,” and “excess benefit.” . | Be prepared to describe the legal and functional differences between a tax exempt hospitals and for profit hospitals. Analyze and be prepared to respond to the problems on Excess Benefit Transactions (pp.640-641) |
| Nov 5 | Chapter 13 – The Structure of Health Care Enterprises, Section III (CON)(pp. 650-652) Excerpts from Vermont CON law: 18 V.S.A. Sections 9431; 9434; 9437; 9440(f); 9381. Available at: https://legislature.vermont.gov/statutes/chapter/18/221 Additional materials from actual Vermont CON case to be posted on TWEN prior to class. | Overview of state Certificate of Need laws, using Vermont law and a particular project as a platform for discussion of the applicable legal and policy issues. Review all of the materials. Likely Essay on the CON case. | |
| Week 12 | | | |
| Nov 10 | Chapter 14 – Fraud & Abuse, Section I (False Claims Act) | Overview of Federal False Claims Act, one of the underpinnings of the federal fraud & abuse laws | Review closely the <i>Krizek</i> cases. Consider and be prepared to respond to the questions about the case on pp.671-672. |
| Nov 12 | Chapter 14, Fraud & Abuse, Section II, Anti-Kickback (pp. 686-709) | Overview of the federal Anti-Kickback (AKB) statute, its intent requirements, the legal protections provided by selected AKB “safe harbors,” and the “gainsharing” | Review and be prepared to: 1. explain the elements of a violation under the AKB. |

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| | | and “beneficiary inducement” prohibitions of Civil Monetary Penalties law. | 2. analyze the intent requirement of the AKB statute in light of <i>Greber</i> . |
| Week 13 | | | |
| Nov 17 | Chapter 14, Fraud and Abuse, Section III and IV (Stark and ACO waivers) | <p>Overview of the Ethics in Patient Referrals Act (“Stark”), its legal prohibitions, the Stark law exceptions, and the fraud and abuse law waivers available to ACO’s.</p> <p>Review and be prepared to:</p> <ol style="list-style-type: none"> 1. Explain the policy purposes and prohibitions of the Stark statute and regulations and how these prohibitions differ from the AKB. 2. Explain the legal effect of the Stark exceptions and how they differ from the AKB safe harbors. 3. Analyze <i>Tuomey</i> and its implications for hospital-physician compensation arrangements. 4. Explain the ACO waivers (pp. 738-740 and the policy rationale that underlies them. | |
| Nov 19 | Chapter 15 – Antitrust, Sections I and II (pp. 741-757) | <p>Overview of antitrust laws and interpretive principles applicable to health care providers and transactions.</p> <p>Read all assigned materials. Be prepared to explain in class:</p> <ol style="list-style-type: none"> 1. The federal statutory anti-trust framework and the defenses 2. The per se and “rule of reason” analytical approaches 3. In re Michigan State Medical Society (p.747) 4. Fast Stop Clinics Problem (p. 756) | |
| Week 14 | | | |
| Nov 24 | Chapter 15, Antitrust, Section III | <p>Antitrust Part II: Continued Overview of antitrust laws and interpretive principles applicable to health care providers and transactions.</p> <p>Read all assigned materials. Be prepared to explain in class:</p> <ol style="list-style-type: none"> 1. Arizona v. Maricopa County Medical Society (p.757) 2. FTC Statements of Antitrust Enforcement in Health Care (p. 766) 3. Antitrust policies on Medicare ACOs (p.772) 4. St. Luke’s Health System case (p.801) | |
| Nov 26 | No class (Thanksgiving) | | |
| Week 15 | | | |
| Dec 1 | No additional readings | We will use this class to review the semester, address your questions, | |

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| | Review your class notes, class outlines and past reading materials | and plan for final exams. Time will also be allowed in class to complete your evaluations | |
| Dec 3 | <p>Population Health, The Vermont All-Payer Initiative</p> <p>Read the following: Vermont All-Payer Model Agreement, dated October 27, 2016 (posted to Course Materials)</p> <p>Vermont All-Payer ACO Model, available online at: https://innovation.cms.gov/initiatives/vermont-all-payer-aco-model/</p> <p>Vermont’s Bold Experiment in Community-Driven Health Care Reform, The Commonwealth Fund (May, 2018)(posted to Course Materials).</p> | Focus on Vermont’s current health reform centerpiece, the All-Payer Model initiative. | Review the materials, consider legal issues that may arise from the agreement, and how you would advise your client, if considering participating on the all-payer program. |

Final Exam: Will be open-book, and take-home, consisting of a set of problem questions distributed with instructions at the start of the exam period. Responses will be due at the end of the exam period.