



BROWARD COMMUNITY COLLEGE

COURSE OUTLINE

LAST REVIEW: 2010-2011

NEXT REVIEW: 2015-2016

STATUS: A

(A, I, D)

COURSE TITLE: Health Records Law

COMMON COURSE NUMBER: HIM 2012

CREDIT HOURS: 3

CONTACT HOUR BREAKDOWN

(per 16 week term)

CLOCK HOURS:

(Voc. Course ONLY)

Lecture: **48**

Lab:

Clinic:

Other:

PREREQUISITE(S): HIM 1110

COREQUISITE(S):

PRE/COREQUISITE(S):

COURSE DESCRIPTION *(750 characters, maximum):*

This course focuses on the impact of legal and ethical issues in health information management. Topics include an overview of the branches of government, tort law; confidentiality and release of information, subpoenaed information; record retention and security; information consent; liability; patient rights; negligence and malpractice; and ethics. Upon completion, students should be able to comply with legal requirements and be aware of legislative and regulatory trends.

UNIT TITLES

1. Introduction to the American Legal System
2. Medical Records and Managed Care
3. Medical Record Requirements
4. Medical Record Entries
5. Document Consent to Treatment
6. Access to Health Information
7. Reporting and Disclosure Requirements
8. Documentation and Disclosure: Special Areas of Concern
9. HIV/AIDS: Mandatory Reporting and Confidentiality
10. Discovery and Admissibility of Medical Records
11. Legal Theories in Improper Disclosure Cases
12. Risk Management and Quality Management



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ASSESSMENT:

Please provide a brief description (250 characters maximum) that details how students will be assessed on the course outcomes.

- 1. Announced and unannounced quizzes and Unit examinations:**
- 2. Cumulative/comprehensive final examination;**
- 3. Assessment of reading and online assignments via submission of homework projects;**
- 4. Participation in Discussion Forums on the E-learning site**
- 5. Completion of projects – individual or group as assigned**



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UNITS

Unit 1 Introduction to the American Legal System

General Outcome:

1.0 The student will be able to discuss the American Legal System and will be able to function in the system related to health information management

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Distinguish between public and private, civil and criminal law, tort and contract actions.
2. Identify the two specific procedural protections that the due process clause generally requires and when they are required.
3. Explain what happens when local, state and federal law overlap.
4. Give examples administrative agencies, describing their source of authority and how they regulate the public.
5. Distinguish among trial courts, appeals courts, and supreme courts.
6. Explain the relationship between state and federal court.



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Unit 2 Medical Records and Managed Care

General Outcome:

2.0 The student will be able to explain the function of utilization management and identify the characteristics of the managed care industry.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Define Utilization Management and its function in healthcare
2. Explain the role of patient information with respect to the UM process
3. Compare and contrast: HMO, PPO, IPA, GPWW, PHO, MSO, PBM
4. Identify characteristics of the managed care industry
5. Describe the information protected by the HIPAA Privacy Rule and explain how privacy rules affect health plans



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Unit 3 Medical Records Requirements

General Outcome:

- 3.0 The student will be able to explain what patient records must be maintained and what the requirements are.

Specific Instructional Objectives:

1. Upon successful completion of this unit, the student will be able to:
2. Identify the governmental and private entities that establish medical records requirements
3. List the types of information contain in patient records
4. Explain why it's important for records to be complete and accurate
5. Discuss the role of CMS with regard to medical records content and retention
6. Define statute of limitations and discuss how a statute of limitation affects record retention practices
7. Recommend considerations for medical records destruction policy



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Unit 4 Medical Records Entries

General Outcome:

4.0 The student will be able to discuss the importance of quality, legible and accurate patient record entries.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Explain how inaccurate and incorrect patient record entries can cause claim denial and create risk exposure for healthcare facilities and clinical providers
2. Discuss the standards required for a properly completed patient record
3. Discuss verbal orders, telephone orders and written orders as they impact the quality of patient records.
4. Explain authentication



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Unit 5 Document Consent to Treatment

General Outcome:

5.0 The student will be able to explain the proper procedure for obtaining informed consent to treat and release of information authorization.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Distinguish between expressed and implied consent
2. Identify the information needed for an informed consent
3. Distinguish between informed consent and the authorization required by the HIPAA Privacy Rule
4. Describe and apply the emergency exception to the informed consent requirement
5. Explain how informed consent applies to criminal suspects and prisoners
6. Identify who can give consent
7. Discuss the effect of refusal of consent



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Unit 6 Access to Health Information

General Outcome:

6.0 The student will be able to define access to protected health information and able apply the key provisions of HIPAA Privacy Rule as related to working with protected health information.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Describe the types of health information protected by confidentiality law.
2. Explain the general rule regarding ownership of medical records information
3. Describe the key provisions of the HIPAA Privacy Rule to who they apply and how they affect access to health information
4. Summarize other federal confidentiality laws that may affect health information
5. Give examples of state laws that protect the confidentiality of medical record information
6. Explain the rights of patients and personal representatives to access protected health information
7. Describe the rights and obligations of business associates



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Unit 7 Reporting and Disclosure Requirements

General Outcome:

7.0 The student will be able to discuss and apply mandatory reporting laws related to health information.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Give examples of mandatory reporting laws
2. Explain how the Privacy Rule affects a provider's obligations under mandatory disclosure laws.
3. Give examples of information that must be included in a child abuse report and an adult abuse report.
4. Summarize communicable disease reporting requirements.
5. Discuss whether mandatory reporting laws apply to managed care organizations.



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Unit 8 Documentation and Disclosure: Special Areas of Concern

General Outcome:

8.0 The student will be able to understand the proper procedures for handling confidential patient information management during special issues and concerns are raised.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Discuss documentation and disclosure concerns associated with celebrities, hostile patients adoption records and abuse victims
2. Distinguish between advance directives, living wills, and durable powers of attorney for health care, and discuss statutory requirements for documentation.
3. Explain how do-no-resuscitate (DNR) orders impact healthcare providers' decision on patient treatment.
4. Recommend documentation steps to protect healthcare providers from liability triggered by disagreements among professional staff.
5. Discuss the scope of law enforcement agencies' authority to obtain access to medical records.
6. Discuss the use of search warrants to obtain medical records and give example of court-approved warrantless searches of healthcare facilities.



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Unit 9 HIV/AIDS: Mandatory Reporting and Confidentiality

General Outcome:

9.0 The student will be able to explain the mandatory reporting for HIV/AIDS information.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Outline statutory/regulatory requirements for mandatory reporting of HIV/AIDS cases to state and local health departments
2. Describe restrictions contained in provisions of state HIV/AIDS statutes intended to protect the confidentiality of HIV/AIDS information.
3. Discuss common exceptions specified in state HIV/AIDS statutes prohibiting the disclosure of HIV test results without the test subject's written informed consent
4. Explain the limits on disclosure of HIV/AIDS test results
5. Describe statutory provisions allowing disclosure of HIV/AIDS information pursuant to a court order
6. Describe civil and criminal liability provisions of state HIV/AIDS statutes and compare with common law liability for unauthorized disclosure of HIV/AIDS information
7. Recommend steps to protect patient privacy and confidentiality of HIV/AIDS information
8. Discuss mandatory reporting of HIV/AIDS records
9. Discuss the impact of HIPAA Privacy Rule and Security Rules



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Unit 10 Discovery and Admissibility of Medical Records

General Outcome:

10.0 The student will be able to understand the distinction of discovery versus admissibility of confidential patient records and properly handle release of patient records.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Distinguish between discoverability and admissibility
2. Define the physician-patient privilege and discuss its effect on discovery and admissibility
3. Describe the role of healthcare providers in protecting health information from discovery
4. Explain waiver of physician-patient privilege
5. Define hearsay
6. Define business record exception and its application to medical records
7. List other types of records containing patient information that may be sought in discovery
8. Describe the peer review privilege and what types of records it protects from discovery
9. Recommend steps to protect peer review records from discovery
10. Outline the factors that affect whether incident reports are protected from discovery



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Unit 11 Legal Theories in Improper Disclosure Cases

General Outcome:

11.0 The student will be able to determine proper and improper situations to release confidential patient information.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Describe how HIPAA affects liability for releasing protected health information
2. Describe permitted disclosure under HIPAA and the procedures for enforcing HIPAA
3. List the elements of defamation claim, and describe when releasing patient information might constitute defamation.
4. Discuss the effect of a patient's consent to release information.
5. Distinguish between a defamation claim and an invasion of privacy claim
6. List the elements of a breach of confidentiality claim, and give examples in the healthcare context.



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Unit 12 Risk Management and Quality Management

General Outcome:

12.0 The student will be able to distinguish between risk management and quality management and the legal requirements for each.

Specific Instructional Objectives:

Upon successful completion of this unit, the student will be able to:

1. Introduction to Risk Management and how it compares with Quality Management and describe the increasing focus in the healthcare industry on reducing medical errors and improving the quality of care.
2. Describe the 4 principle steps in risk management
3. List the activities that are part of quality management process.
4. Describe the elements that must be part of an effective compliance program according to the federal sentencing guidelines, and discuss the guidelines for compliance issued by the OIG of the DHHS.