

First Day Assignment

Medicare and Medicaid Law

Assignment for First Class, Wednesday, August 23, 2022

4:10 - 6:00 P.M. Room Kushn 242

Please read and be prepared to discuss during class the first reading assignment:
HEALTH LAW CASES, MATERIALS, AND PROBLEMS, Ninth Edition, Clark, Fuse Brown, Gatter, McCuskey, and Pendo, et. al. 2022, West Academic. ISBN: 978-1-68467-711-5.
Medicare Pages 595-608.
SEE BELOW FOR ALTERNATE FIRST DAY ASSIGNMENT USING 2018 EDITIONS

If you have any questions, please email me at Joel.Weintraub@hofstra.edu.

The course syllabus is reproduced below:

MEDICARE AND MEDICAID LAW

FALL 2022

PROFESSOR JOEL WEINTRAUB

Syllabus

Required Textbook: HEALTH LAW CASES, MATERIALS, AND PROBLEMS, Ninth Edition, Clark, Fuse Brown, Gatter, McCuskey, and Pendo, et. al. 2022, West Academic. ISBN: 978-1-68467-711-5.

See below for previous editions, which are acceptable substitutes but not preferred.*

Date	Subject	Textbook Pages
Aug. 24	Medicare	595-608
Aug. 31	Medicare	608-623
Sept. 7	Medicare	623-639
Sept. 14	Medicaid and SCHIP	639-658
Sept. 21	Medicaid	658-674
Sept. 28	Medicaid	674-694
Oct. 12	Quality Control	4-7, 83-117
Oct. 19	Cost and Access	403-450
Oct. 26	False Claims and Qui Tam Actions	853-888
Nov. 2	Anti-Kickback Statutes	889-919
Nov. 9	The Stark Laws	919-958
Nov. 16	Medicaid Estate Planning	654-656 and Class Notes

Nov. 23	Discussion of Practice Exam	Write Practice Exam
Nov. 30	Review	---

Readings will be supplemented with current articles distributed by email and/or online.

Special attention will be given to the changes in Medicare and Medicaid in response to the Covid-19 Pandemic

Topics to be covered in class include:

Effect on Medicare and Medicaid of efforts to limit government regulations
Effect on Medicare and Medicaid of efforts to repeal the Affordable Care Act
Consequences of exhaustion of the Medicare Trust Fund
Current efforts to reduce the costs of Medicare and Medicaid
New payment methods including payment for outcomes
Electronic health records and information technology in Medicare and Medicaid
Accountable Care Organizations under Medicare and Medicaid
The contrast of private provision of health care with governmental provision
Managed care and managed competition under Medicare and Medicaid
The continuing growth of Medicare Advantage.
The right to medical care under the Constitution of the United States
Representing patients and providers after denial of coverage by Medicare or Medicaid
The liability of providers under Medicare and Medicaid fraud and abuse statutes
The liability of attorneys under Medicare and Medicaid fraud and abuse statutes
Qui tam actions
“Boutique” or “concierge” medical practice for Medicare patients
Changes in response to COVID-19

Learning Outcomes: The student is expected during this course to develop a knowledge and understanding of the substantive and procedural law governing Medicare and Medicaid including the history, policy, and implementation of the law. The student is expected, in addition, to use the study of Medicare and Medicaid to gain an understanding of the intersection of administrative law with legislative and judiciary action and, in the case of Medicaid, the intersection of federal and state law.

Students must either take a final 3-hour open book exam or write an erudite paper.

If the paper option is chosen, a topic relevant to the course material must be submitted by September 29, and a preliminary draft of the paper must be submitted by October 27. The final draft must be submitted as an email attachment by November 28. Papers must be a minimum of 20 pages and adequately footnoted. Credit for Writing Requirements is NOT available.

Grading will be based primarily (approximately 90%) on the exam or paper and secondarily (approximately 10%) on class participation. There will be 3 debates in class. An occasional brief

multiple choice or short answer assignment may be given during class on recently covered topics and will be considered a part of class participation.

Students are expected to read prior to each class the textbook pages assigned and any additional material if assigned and to be prepared to discuss the issues raised in the assignments. Students must sign in during each class to document attendance. Regular attendance is required, and this requirement is met if there are 2 (two) or fewer absences.

Expected Student Workload: The American Bar Association requires that you spend an average of at least four hours per week **outside** of class studying for this 2-credit course. The time you will spend throughout the semester reading the assignments, preparing for each class including the debates, and either preparing for the final exam or writing the final paper for this course will satisfy (and likely exceed) that time commitment.

Professor Joel Weintraub: Telephone: Cell: 516 241 0831

Joel.Weintraub@hofstra.edu

Faculty Assistant: Linda DiSanti 463 7239, Room 104

Linda.J.Disanti@hofstra.edu

* If you already own one of the 2018 editions listed below, its use is acceptable but not optimal. Do not use a 2018 edition unless you already own it. The 2022 edition contains discussions of the many changes engendered by the COVID-19 Pandemic.

HEALTH LAW CASES, MATERIALS, AND PROBLEMS, Eighth Edition, Furrow, Greaney, Johnson, Jost, and Schwartz, et. al. 2018, West Academic. ISBN: 978-1-68328-809-1,
or

HEALTH LAW CASES, MATERIALS, AND PROBLEMS, Abridged Eighth Edition, Furrow, Greaney, Johnson, Jost, and Schwartz, et. al. 2018, West Academic. ISBN: 978-1-68328-911-1.

If any student needs to use a 2018 edition, I will provide on request the corresponding pages for each assignment.

Alternate first day assignment:

HEALTH LAW CASES, MATERIALS, AND PROBLEMS, Eighth Edition, Furrow, Greaney, Johnson, Jost, and Schwartz, et. al. 2018, West Academic. ISBN: 978-1-68328-809-1,
Medicare: Pages 625-643.

or

HEALTH LAW CASES, MATERIALS, AND PROBLEMS, Abridged Eighth Edition, Furrow, Greaney, Johnson, Jost, and Schwartz, et. al. 2018, West Academic. ISBN: 978-1-68328-911-1:
Medicare: Pages 479-489.