

First Day Assignment

Medicare and Medicaid Law

Assignment for First Class, Tuesday, January 18, 2022

4:10 - 6:00 P.M. via Zoom

Please read and be prepared to discuss during class the first reading assignment:

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.

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

The course syllabus is reproduced below:

MEDICARE AND MEDICAID LAW
SPRING 2022
PROFESSOR JOEL WEINTRAUB

Syllabus

Required Textbook: *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.

Date	Subject	Textbook Pages
Jan. 18	Medicare	479-489
Jan. 25	Medicare	489-498
Feb. 1	Medicare	498-508
Feb. 8	Medicaid and SCHIP	508-527
Feb. 15	Medicaid	527-541
Feb. 22	Medicaid	541-558
Mar. 1	Quality Control	59-85
Mar. 8	Cost and Access	359-405
Mar. 22	False Claims and Qui Tam Actions	653-686
Mar. 29	Anti-Kickback Statutes	686-709
Apr. 5	The Stark Laws	709-741
Apr. 12	Medicaid Estate Planning	525-526

Apr. 19	Discussion of Practice Exam	Write Practice Exam
Apr. 26	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

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 February 22, and a preliminary draft of the paper must be submitted by March 23. The final draft must be submitted as an email attachment by April 20. 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 above 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.

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