

BUAD 499 - Legal and Regulatory Environment of Long Term Care Fall 2005

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Section: 19330R
Time: Online

Course Description

This course will present the legal and regulatory environment in which the long term care industry operates. Course coverage includes: litigation, constitutional law, torts, crimes, contracts, employment, property, and ethics. Students will examine these topics within the long term care context.

Course Prerequisites

Other than an interest in learning about the legal and regulatory environment of the long term care industry, there are no prerequisites for this course.

Course Goals and Objectives

The purpose of this course is to provide you with practical legal knowledge of specific substantive business law topics and current legal trends and issues as they affect the long term care industry. This course is structured on the premise that legal knowledge is a personal and strategic asset. The student will secure the knowledge necessary to effectively work in private and public health care entities by acquiring a sound grasp of the relevant concepts, legal vocabulary, and rules of law that apply. The course provides the long-term benefit of spotting potential legal problems and issues.

Learning Objectives

At the conclusion of the course, students will have covered a substantial range of legal topics within the legal environment affecting the long term care industry. Students will have improved their deductive reasoning skills and knowledge of both basic and advanced topics within the subject matter presented. Students will be able to identify and analyze legal issues using sophisticated approaches to case studies. They will be taught traditional methods of legal analysis of case studies. Actual cases will be assigned to the students to analyze for the legal issues presented, the procedural and substantive laws pertaining to those issues, and undertake a thorough analysis of them.

Course Requirements

Attendance and Preparation: Students are expected to read each week's reading and case assignments and be prepared to discuss them. There will be a concentration on the applications of the material.

On-line Support: The course materials are presented on the course online site as follows:

- The materials are grouped by learning units.
- Each unit will contain a folder in which there are the following sub-folders:
 - Course Lecture Materials.

- Lecture Notes are supplementary learning materials for your study of the material. The nature of these materials will vary over the length of the course.
- Cases Excerpted portions of cases will be posted for your study.

Grading Criteria, Assignments and Course Policy

Grading Criteria

The course is based on the following criteria:

	Max Points	Due Date
Midterm	200	Week 6
Case Brief	200	Week 9
Final Exam	200	12/8
Total Points	600	

Course Policy, and Contact Policy

Exams and Grading: The examinations are non-cumulative. The exams will consist entirely of multiple choice questions. Keeping current with all reading and assignments over the course of the semester should allow the student to effectively answer all examination questions. Student's grades for this course depend on their performance and the grading standards and policies of the University of Southern California. For courses such as this one, there is a target GPA of 3.3.

Academic Integrity: Any use of external assistance during an examination or in the preparation of assignments shall be considered academically dishonest. The following are considered unacceptable examination behaviors: communication with fellow students during an examination, copying materials from another student's exam, allowing another student to copy from an exam, possession or use of unauthorized notes, electronic or other dictionaries during exams. The University's Student Conduct Code will be strictly applied. Students cannot achieve grades that they have not legitimately earned. Part of our mission is to remind you of the value systems that will regulate your business life, and breaching ethical standards cannot be condoned.

Disability Accommodations: Any student requesting academic accommodations based upon a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. DSP is located in STU 301 and is open 8:30 a.m. - 5:00 p.m. Monday through Friday. The phone number for DSP is (213) 740-0776. Please provide the appropriate form one week in advance of an examination.

Online Office Hours: If students have any questions about the material covered in the class they should not hesitate to contact us. However, if a student cannot make the online discussion hours, they should send us an e-mail to schedule an appointment. We can also be reached at the phone numbers listed above where students should leave a message on our voice mail with their name and phone number (with area code). Our teaching responsibilities make it nearly impossible for us to promptly respond to student's telephone calls, although we will make a good faith effort to do so. Email is the preferred method to contact us, as the messages are checked daily.

Supplementary Textbook

Textbook: The Legal Environment of Business and Online Commerce, 4/E

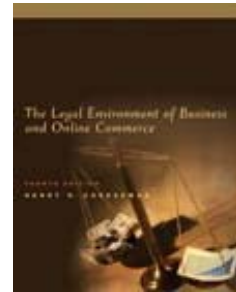
Author: Henry R. Cheeseman

ISBN: 0-13-146533-3

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Format: Cloth; 864 pp



Course Outline

August 25 - Nature of Law and Critical Legal Thinking

This unit introduces our course, the sources of the law, and ethical decision-making. Students will examine legal theories and their contemporary applications. The language, concepts and application of these theories will be addressed within the course objectives for this course. The material in this unit will be applied throughout the entire course.

September 1 - Judicial and Alternative Dispute Resolution

A general survey of the litigation process and alternate dispute resolution procedures is presented. Court jurisdiction, venue, pleadings, discovery, pretrial procedures, trial, and post-trial procedures and appeal are reviewed. Equity jurisdiction is summarized with emphasis on its particular application to this course. Contemporary applications are reviewed. Arbitration and other alternate dispute remedies as they pertain to the long term care industry will be presented.

September 8 - Ethics and Social Responsibility of Business

Ethical philosophy is not exacting or precise in character. It is an art of informal navigation among conflicting choices. The purpose of this unit is to provide the student with the information to make informed choices, and to illuminate the pathways to making those choices. Students will sharpen their current abilities to identify, analyze and resolve the ethical dilemmas they are required to address in their personal and professional lives.

The conflict between law, what one has a right to do, and ethics, what is right for one to do, is the focus of this unit. The students should take with them a firm understanding and respect for the conflicting ethical positions others assert.

September 15 - Negligence and Intentional Torts; September 22 - Business Crimes and Criminal Law

In this section of the course, we review the rights afforded persons to be protected from intrusion and interference with respect to their enjoyment of person and property rights. Four general areas of tort law will be addressed on an elementary level; namely, intentional torts, negligence, strict liability and products liability. The scope of the material presented includes: assault, battery, false imprisonment, trespass to real and personal property, fraud and other forms of misrepresentation, defamation, invasion of privacy, intentional and negligent inflictions of mental distress, misappropriation of trade secrets, negligence, strict liability, product liability and the relationship of the foregoing to insurance policy coverages. Premises liability topics will also be presented.

September 29 - Midterm Exam

October 6 - Formation of Traditional and Online Contracts; October 13 - Performance of Contracts and Remedies for Breach

Contract law is the study of legally enforceable promises. In a typical contract setting, these promises are exchanged as part of an agreement reached between the parties to the contract. The contract is the foundation upon which civilization and its commerce is built. The topics covered include: the formation of contracts (including offer, acceptance and promissory estoppel), the lawful consideration which must exist to enforce them, when contracts may be deemed void or voidable, contractual interpretation, implied covenants and conditions, when performance is excused by mistake of fact, indefiniteness, impossibility, impracticality or frustration of purpose, and the remedies for a breach of contract. Special emphasis is placed upon the remedies and warranties that pertain to sales contracts governed by the provisions of the UCC.

October 13 - Case Brief Due

A pertinent current case brief will be due from each student. Case assignments will be made during the first week.

October 20 - Agency Law

In this unit, the laws of agency will be explored. These topics will include the nature of the agency relationship, duties and responsibilities of principals and agents, liability of agents, and termination of agencies.

October 27- Labor and Worker Protection Laws; November 3 - Equal Opportunity in Employment

General principles of employment law will be covered. Topics to be covered include: hiring practices, applicable federal and state benefits statutes, defining who is an employee, how "at will" employment may exist or cease to exist; independent contractors, liability under contract, tort and tax law for the acts of employees and those of independent contractors. In the area of discrimination, a short review of the applicable federal and state statutes will be provided, including what kinds of discrimination are illegal, what proof is necessary and the scope of relief afforded victims of discrimination. Recent case law in the areas of privacy issues and employee duties will be reviewed.

November 10 - Administrative Law and Consumer Protection

In this unit the effect of specific statutory and regulatory treatment of the business-operating environment will be addressed. The means and methods by which every facet of business life is controlled by the regulatory process will be explored, with special emphasis on long term care concerns.

November 17 - Personal and Real Property

In this unit the basic rules which apply to the rights of individuals to personal and real property will be studied.

November 24 - Thanksgiving Break

December 1 - Corporate and Business Law

This unit will include a general survey of the laws governing corporations.

December 8 - Final Exam

Course Schedule with Reading and Assignments

The course schedule with detailed information on assignments will be given to students as a separate document.

Miscellaneous

The material presented is for the students' edification. It is not intended to be legal advice to students in connection with any legal issue they or others may have. If students have a legal matter, they are advised to promptly consult an experienced attorney who can confidentially and fully review the facts and advise them of their legal rights and remedies. Quite often, the facts dictate the result and only in the context of an attorney-client relationship can they be reviewed and legal opinions rendered.