

Intro to Health Law Exam  
Winter 1998 Course #793  
Law Student Edition

Answer each question briefly, complete sentences are not necessary. Make sure you put your exam number on each page of the examination. Do not put your name or any other identifying information on the examination. Use no more than the space provided, and not all of the questions require all the space provided. Use specific case and statute references, as necessary. **Do not write on the back** - I only read what is on the front.

1.(a) This is a two part question. Read both parts before answering.

Part I

HMO, Inc., based in Eugene, Oregon, has a new physician productivity plan: They pay physicians a \$1000 bonus for each patient who opts for assisted suicide within 1 month of a diagnosis with a terminal illness with a prognosis of less than 6 months survival. The bonus is decreased by \$100 for each month that the patient delays the decision, and is not paid at all if the patient dies in the hospital. Assume Oregon uses California precedent. Discuss the informed consent problems this plan could pose. Be specific about the case precedent and the law your relying on.

1.(b) Part II

Draft a model consent form for assisted suicide under the plan discussed in Part I. Do not worry about any specific requirements of the Oregon law. Base this on the common law as defined in the cases we read.



2. Dr. Jones is treating Mary Doe for an acute onset of severe, life-threatening hypertension (high blood pressure). She has been a difficult case, requiring lots of changes of medication; but, after 6 months, she is now under control. She comes in every 2 weeks to have her blood pressure checked and her medications adjusted. Her next appointment is January 4. On January 3, she calls and leaves a message with the appointments secretary saying that she is in a new health plan and that they will not let her see Dr. Jones anymore. This is all the information that Dr. Jones has. What should Dr. Jones be concerned with and what, if anything, should Dr. Jones do?

3. Write a concise (the rest of this page) guide on what an emergency room physician needs to know about complying with EMTALA.

4. Assume that all the general surgeons in Springfield, MO, are in the same partnership, The Surgery Group. Assume also that there are two hospitals in town that have surgical facilities, and, to get surgical privileges at a hospital, surgeons have to show how they have arranged their backup to care for patients when they are unavailable. There is a new surgeon moving to Springfield. Assuming that The Surgery Group does not want any more partners, what are their antitrust issues and defenses in dealing with this new surgeon? (Remember that they will be members of the hospital's medical staffs and medical staff appointments committees.)

5.(a) This is a two part question. Read both parts before answering.

Part I

Cheap Care, Inc., a hospital chain, wants to increase their business, especially Medicare patients. The CEO has suggested that one way to encourage admissions is to make Cheap Care hospitals a research center on geriatric care issues. Cheap Care will have each physician's office fill out a survey form at admission and it will use the data from these survey forms to study the demographics of the admitted patients. The admitting physician will be paid \$100 for each admission to cover the cost of filling out the form. Which Medicare laws does this violate and why? Be specific and refer to any relevant precedent in the cases we discussed.

5.(b) Part II

Cheap Care has implemented the plan discussed in Part I. One of the clerks in Dr. Smith's office, a physician who admits to Cheap Care, has brought one of the survey forms with her to your office. While she does not fill them out herself, she sits next to the clerk who does and sees the form being filled out. Based on your answer to Part I, can she bring a False Claims Act lawsuit? Be specific as to why she does or does not qualify as a plaintiff, who she can sue, and what you have to do to prepare and bring the cause of action, and any special considerations in pleading the action.

