Dear Dean Kalika:

I write to request approval by the Graduate Council for one hour of course credit to be awarded to graduate students enrolled in Law 900-02, “Health Quality Regulation and Litigation” (formerly “Medical Malpractice Liability”). Further, I would like to request that Dr. Dale Garrett receive one (1) hour of course credit for his participation in this course during the Fall 2001 semester; he has completed and exceeded the course requirements summarized below. I will briefly explain the course content, and then outline the requirements for non-law student participants seeking one credit hour from the class.

The College of Law offers enrollment in the Health Quality Regulation and Litigation course to students in the Graduate Schools of Public Health, Policy and Public Administration, and the Colleges of Medicine, Pharmacy, Nursing and Allied Health Professions. The objective of this interdisciplinary offering is to train law students and health care students within the same forum, about health care administrative regulations and medical malpractice law that will affect their respective practices. The goal is to allow students training for these disciplines to inform one another’s thinking and understand the affect of their disciplines on others’ before they meet in the courtroom, through arbitration or in other adversarial settings.

The course begins by covering regulatory approaches to professional licensing, accreditation, Medicare and Medicaid facility inspection and survey rules, and credentialing controls such as the Health Care Quality Improvement Act’s National Practitioner Data Bank. Next, the course explores the fundamentals of medical malpractice law including informed consent, standard of care and damages calculations. We also focus on more specialized legal issues such as strict product strict, sovereign and charitable immunity doctrines and managed care liability. Finally, the course requires students to assume a role in the course of a litigation simulation that runs during the final two months of the course. Law students draft pleadings, jury instructions, opinion letters and briefs. Health students write opinion letters based on medical issues contained in deposition, interrogatory and other discovery documents.
While the class is a three (3) hour course for law students, health students are invited to attend once weekly for (1) hour of credit. Additionally, to receive a letter grade for the course, health students must complete the following requirements:

1. Attend an initial orientation meeting with me to discuss a non-law students' approach to the study of law. In preparation for this session, students must complete a reading assignment that describes the judicial system, common law decision making, and basic elements of reading and studying case and statutory law.

2. Attend and participate in each weekly class devoted to interdisciplinary study.

3. Prepare for class by reading sample cases and problems assigned for each session.

4. Participate actively in class discussion, bringing the perspective of their respective health discipline to the legal issues raised in each case.

5. Writing Requirement: Provide a medical opinion letter, advising counsel in a medical malpractice case, of the extent to which the named defendant physician is exposed to liability. The opinion letter must be based on the student’s review of a packaged of material from a recently litigated malpractice case tried in Kentucky and must be at least five (5) pages in length.

You asked for the names of any graduate students who have enrolled in this course. This year was the first time I was able to offer it to graduate students and two enrolled: Dr. Garrett and Heather Smooker, a student in the College of Pharmacy.

If you need any further information please do not hesitate to contact me. I look forward to hearing from you.

Sincerely yours,

cc: Dean Allan W. Vestal

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1 I would be amenable to increasing the health students’ participation to two (2) credit and could structure the course to accomplish this and additional goals if there is interest in this.

2 I devote one class each week to interdisciplinary study. These classes have reading assignments all students are expected to complete in advance and are organized around a specific topic. For examples, classes this fall were dedicated to “Informed Consent,” “Expert Medical Witness – Rules and Practice,” “Managed Care Liability,” and “Hospital Peer Review.” These classes include an instructional component, and then involve discussion of problems designed to teach the practical application of principles taught.
December 6, 2001

To: Douglas Kalika  
Acting Dean  
The Graduate School  
333 Patterson Office Tower  
Lexington, KY 40506-0027

From: S.W. Horstman  
DGS, MPH, MSPH

Subject: Law 900

I strongly support the efforts of Professor Dayna Matthew to seek Graduate Council approval for 1 hour graduate credit for the medical malpractice litigation component of Law 900. This course would be an excellent elective for our MS and MPH students and residents.