



## Transition Guide

### *The Law of Healthcare Administration, Tenth Edition*

April 2023

*The Law of Healthcare Administration* provides a comprehensive and practical overview of healthcare law and its role in the administration of healthcare organizations.

### Changes in the Tenth Edition

This extensively revised tenth edition explores the substantial shifts occurring in the legal landscape, including the *Dobbs v. Jackson Women’s Health Organization* decision and recent Affordable Care Act (ACA) litigation and regulation. It also provides a broader perspective by focusing more on healthcare justice issues, using inclusive language, and incorporating examples from a variety of healthcare providers.

### New Material by Chapter:

Chapter	Chapter Title	New Material
1	A Brief History of Law and Medicine	<ul style="list-style-type: none"> <li>• US Supreme Court’s 2022 <i>Dobbs</i> decision</li> <li>• The law’s role in maintaining and then dismantling formal racial segregation in hospitals</li> <li>• Expanded discussion of public health law</li> <li>• More detail about the history of the nursing profession and the history of educational and practice opportunities for persons of color</li> </ul>
2	Access to Healthcare Insurance and Treatment	<ul style="list-style-type: none"> <li>• Expanded discussion of access to healthcare insurance</li> </ul>

		<ul style="list-style-type: none"> <li>• More details about Medicare, Medicaid, the Children’s Health Insurance Program, accountable care organizations, and the ACA’s “four M’s of access.”</li> <li>• The US Supreme Court’s 2021 individual mandate decision in <i>California v. Texas</i> excerpt and explanation</li> <li>• The evolving standards for the applicability of antidiscrimination laws to the provision of healthcare</li> <li>• Appendices detailing health reform efforts over the years and compare the primary federal healthcare insurance programs</li> </ul>
3	The Organization and Management of a Corporate Healthcare Institution	<ul style="list-style-type: none"> <li>• Federally Qualified Health Centers, including board structure requirements and Duty of Obedience</li> <li>• Expanded discussion of professional limited liability corporations and joint venture arrangements</li> <li>• Expanded examples of potential conflicts of interest</li> <li>• Open Public Meeting Acts and public records</li> </ul>
4	Human Resources Law	<ul style="list-style-type: none"> <li>• US Supreme Court’s 2020 decision in <i>Bostock v. Clayton County</i></li> <li>• Evolving legal standards around COVID-19 vaccine mandates for healthcare workers and increasingly prominent conscience protections</li> <li>• A list of key federal labor statutes and practical tips for conducting legally appropriate job interviews</li> </ul>
5	Contracts and Intentional Torts	<ul style="list-style-type: none"> <li>• Noncompete provisions in physician contracts and updated examples of explicit warranties for treatment results</li> <li>• Termination of treatment discussion about the possible connection to healthcare inequities</li> <li>• Types of damages generally available under different causes of action</li> <li>• Updated examples of warranties for treatment results</li> </ul>
6	Negligence	<ul style="list-style-type: none"> <li>• Crisis standards of care explanation and discussion</li> <li>• State laws regarding apologies for medical errors and expanded information on settlement negotiations and mandatory arbitration clauses</li> <li>• Appendix with examples of apology laws</li> </ul>
7	Liability of the Healthcare Institution	<ul style="list-style-type: none"> <li>• More details about liability issues involving managed care organizations</li> <li>• Revised explanation of the multifaceted impacts of the federal Employee Retirement Income Security Act</li> <li>• The federal No Surprises Act</li> </ul>
8	Medical Staff Privileges and Peer Review	<ul style="list-style-type: none"> <li>• Expanded discussion of ACOs and quality metrics</li> </ul>

		<ul style="list-style-type: none"> <li>• More details about credentialing issues related to complementary and alternative medicine, and integrative healthcare</li> </ul>
9	Fraud and Abuse Laws and Corporate Compliance (Previous Chapter 15)	<ul style="list-style-type: none"> <li>• Streamlined and clarified the discussion of the federal False Claims Act, Anti-Kickback Statute, and Stark law</li> <li>• New safe harbors and exceptions that are aimed at supporting population health and value-based payment arrangements</li> <li>• Appendix containing an excerpt of a recent advisory opinion</li> <li>• Appendix summarizes the major federal fraud and abuse laws</li> </ul>
10	Health Information Management (Previous Chapter 9)	<ul style="list-style-type: none"> <li>• Expanded details on breach notification, the 21st Century Cures Act, and telemedicine</li> <li>• Medical identity theft and red flag rules</li> <li>• Charting by exception</li> <li>• State-law causes of action for improper disclosure including the <i>Walgreens v. Hinchey</i> case</li> <li>• Appendix of HHS HIPAA information</li> </ul>
11	Emergency Care (Previous Chapter 10)	<ul style="list-style-type: none"> <li>• Expanded discussion of practical issues that arise when attempting to ensure compliance with the EMTALA</li> <li>• Legal issues that emergency providers will face in providing medically appropriate treatment to pregnant patients post-<i>Dobbs</i></li> <li>• Newer emergency-related laws are also discussed, including the federal No Surprises Act and Good Samaritan overdose laws</li> <li>• Expanded discussion of <i>Childs v. Weis</i> and its racial context</li> <li>• Appendix including sections of EMTALA statutory provisions, implementing regulations, and agency guidelines</li> </ul>
12	Consent for Treatment (Previous Chapter 11)	<ul style="list-style-type: none"> <li>• The emerging idea of shared decision-making and its linkages to patient knowledge, payment conditions, and malpractice protections</li> <li>• State law changes related to surrogate decision makers</li> <li>• Expanded discussion of minors' consent to their own treatment</li> </ul>
13	Tax-Exempt Healthcare Organizations (Previous Chapter 12)	<ul style="list-style-type: none"> <li>• More details about tax implications of joint ventures between for-profit and not-for-profit healthcare entities</li> </ul>

		<ul style="list-style-type: none"> <li>• Clarified ACA enhancements to the 501(c)(3) standards</li> <li>• Intermediate sanctions for excess benefit transactions and discussion of tax on salaries of highly compensated NFP employees</li> <li>• Discussion of UBIT</li> <li>• New appendix with ACA compliance guidance for 501(c)(3) hospitals</li> </ul>
14	Competition and Antitrust Law (Previous Chapter 13)	<ul style="list-style-type: none"> <li>• Consolidation activity reflected in updated analyses and case law</li> </ul>
15	Issues of Reproduction and Birth (Previous Chapter 14)	<ul style="list-style-type: none"> <li>• <i>Dobbs</i> decision discussion of potential challenges for institutional and individual providers</li> <li>• Recent state case grounded in theories of wrongful birth and wrongful life</li> <li>• Newer state laws that provide a legal framework for compensated surrogacy</li> <li>• Appendix containing excerpt of <i>Dobbs</i> decision</li> </ul>