

UNIVERSITY OF WYOMING
PHCY 5670
MEDICATION MALPRACTICE, 2 Credit Hours

Online Delivery, Primarily Asynchronous Through WyoCourses
Fall, 2020

This Course Meets Daily on the Discussion Board

The First Day of Class is September 13 and the Last Day of Class is December 6 (11 Weeks)

Instructor contact information: Professor David Brushwood, R.Ph., J.D., Phone: 307 766-6120 E-mail: dbrushwo@uwyo.edu, Office(s): HS 292, although your professor does not maintain an office in Laramie and electronic contact through some alternate means is required.

Office Hours: Sunday afternoons online, or at other times by appointment either through telephone or online (Zoom meeting). Please post general questions about course materials to the course discussion board. Personal matters should be addressed directly to the instructor through email or by telephone.

Course prerequisites, co-requisites, enrollment restrictions: Professional or graduate standing, or by permission of the School of Pharmacy.

Course Description:

Using a case-study approach, potential legal liability issues are examined, within a health care context that primarily focuses on legal liability for malpractice related to the use of medications. Strategies for reduction of legal liability are explored. The implementation and oversight of legal risk management programs is addressed. Skills necessary to create systems that reduce exposure to malpractice are developed.

General Course Information:

This course is delivered in an asynchronous fashion. Pre-recorded lectures are posted to WyoCourses, along with reading assignments. Student-student and student-faculty interaction occurs on the course discussion board around the clock, 24/7. Students are expected to actively participate in online discussions, starting two original threads during each unit and posting three responses within other students' original threads during each unit. There is an online exam during each unit. There is final exam.

Objectives/Outcomes/Standards:

- Discuss the principles of tort law that may lead to liability for health care malpractice.
- Illustrate the circumstances in which the standard of care for health professionals has not been met, resulting in negligent harm to a patient.
- Evaluate the risk management sensitivity of verbal statements made by health professionals to patients and family/friends of patients.
- Evaluate the risk management sensitivity of written comments made by health professionals in the patient care record.
- Formulate a legally defensible policy for evaluation of health care personnel based on the application of professional skills to patient care activities.
- Illustrate how ethical issues in health care may have implications for legal liability.

- Describe the particular responsibilities of health professionals within institutions such as hospitals, skilled nursing facilities, and prisons.
- Recommend policies for the safe and effective use of medications that have been approved as safe and effective yet have been at times used unsafely and/or ineffectively.
- Formulate a plan for the creation and implementation of a risk management system that promotes patient safety and reduces legal liability.
- Construct a flow chart of health professional responsibility, assisted by technical support staff, to product safe and legally defensible professional services.

Readings (written monographs):

- Basic Principles of Healthcare Liability
- Traditional Healthcare Liability Claims
- The Anatomy of a Healthcare Liability Lawsuit.
- Patient Counseling Standards.
- Safe Medication Use.
- Reducing Liability Exposure in Patient Education.
- Documentation Techniques that Reduce Legal Liability.
- Liability Reduction through Continuous Quality Improvement.

Journal Articles

- Myhra, The Pharmacist's Duty to Warn in Texas Reconsidered Within a National Framework
- Miller, In The Pill Mill Age, It's Time Florida Invokes a Healthcare Privilege Providing Pharmacists Layered Insulation From Defamation
- Cohen, The Path Between Sebastian's Hospitals: Fostering Reconciliation after a Tragedy
- Coleman & Shellow, Extending Physician's Standard of Care to Non-Physician Prescribers: The Rx For Protecting Patients

Legal Case Studies

- Aldrich v Ohm Specialty Pharmacy
- Allen v. Kroger Co
- DeCordova v State of Colorado
- MacDonald v City Hospital
- Pharmacy Healthcare Solutions v Pena
- Ferguson v Baptist Health System
- Gallegos v Wood
- Ancheff v Hartford Hospital
- Springhill Hospitals v Larrimore
- Kohles v Mercy Health Services
- Farmer v Willis-Knighton Medical Center
- Ball Memorial Hospital v Fair

Pre-Recorded Online Lectures:

- Order Processing Accuracy.
- The Failure to Warn.
- Drug Use Review.
- Opioid Misuse.

- Defaming Another Health Professional.
- Breach of Confidentiality.
- Technician Role and Supervision.
- Managed Care and Pharmacy Liability.

Course Requirements/Assignments:

Each unit in this course requires that students complete the following activities:

- Carefully review the Unit Guide for familiarity with unit learning objectives and responsibilities.
- Download and print the lecture handouts and view the pre-recorded online lectures.
- Download and read the assigned written monographs.
- Participate actively in discussion board (2 original threads and 3 responsive posts minimum).
- Take the unit exam online.

There is a final exam.

Grading Standards:

The final grade in this course will be comprised of:

Ten Unit Exams	50%
Final Exam	25%
Class Participation	25%

Students who miss exams or class participation may request an excused absence, which will be granted by the course instructor if warranted. Students who develop conflicts that prohibit their completion of 25% or more of course material should withdraw from the course. Students who satisfactorily complete 75% or more of the course material, and who cannot complete the balance within the confines of the course schedule, may be granted an incomplete, and missing coursework must be completed by the end of the following term.

Course Outline:

Unit 0: Background Readings and Reflections on Community Pharmacy Malpractice Liability

Assigned Readings	<ul style="list-style-type: none"> • Myhra, The Pharmacist’s Duty to Warn in Texas Reconsidered Within a National Framework • Miller, In The Pill Mill Age, It’s Time Florida Invokes a Healthcare Privilege Providing Pharmacists Layered Insulation From Defamation
Legal Case Studies	<ul style="list-style-type: none"> • Aldrich v Ohm Specialty Pharmacy • Allen v. Kroger Co

Unit 00: Background Readings and Reflections on Institutional Pharmacy Malpractice Liability

Assigned Readings	<ul style="list-style-type: none"> • Cohen, The Path Between Sebastian’s Hospitals: Fostering Reconciliation after a Tragedy • Coleman & Shellow, Extending Physician’s Standard of Care to Non-Physician Prescribers: The Rx For Protecting Patients
Legal Case Studies	<ul style="list-style-type: none"> • DeCordova v State of Colorado

	<ul style="list-style-type: none"> • MacDonald v City Hospital
--	---

Unit I: The Basics of Legal Liability and Professional Responsibility

Written Monograph	Basic Principles of Pharmacy Liability
Pre-Recorded Lecture	Technician Role and Supervision
Legal Case Study	Pharmacy Healthcare Solutions v Pena
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam I

Unit II: Getting it Right: But What Is “Right”?

Written Monograph	Traditional Pharmacy Liability Claims
Pre-Recorded Lecture	Order Processing Accuracy
Legal Case Study	Ferguson v Baptist Health System
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam II

Unit III: The Legal Process and the Therapeutic Outcomes

Written Monograph	The Anatomy of a Pharmacy Liability Lawsuit
Pre-Recorded Lecture	Opioid Misuse
Legal Case Study	Gallegos v Wood
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam III

Unit IV: Empowering Patients to Meet Their Responsibilities

Written Monograph	Patient Counseling Standards
Pre-Recorded Lecture	The Failure to Warn
Legal Case Study	Ancheff v Hartford Hospital
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam IV

Unit V: Collaboration with Professional Colleagues

Written Monograph	Safe Medication Use
Pre-Recorded Lecture	Defaming the Prescriber
Legal Case Study	Springhill Hospitals v Larrimore
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam V

Unit VI: Risk-Management Sensitive Patient Education

Written Monograph	Reducing Liability Exposure in Patient Education
Pre-Recorded Lecture	Breach of Confidentiality
Legal Case Study	Kohles v Mercy Health Services
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam VI

Unit VII: Risk-Management Sensitive Documentation

Written Monograph	Documentation Techniques that Reduce Legal Liability
-------------------	--

Pre-Recorded Lecture	Drug Use Review
Legal Case Study	Farmer v Willis-Knighton Medical Center
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam VII

Unit VIII: System Challenges That Increase Exposure to Malpractice Liability

Written Monograph	Liability Reduction Through Continuous Quality Improvement
Pre-Recorded Lecture	Managed Care and Pharmacy Liability
Legal Case Study	Ball Memorial Hospital v Fair
Class Participation	Discussion Board; 2 original threads, 3 responsive posts
Assessment	Exam VIII

Final Exam (Essay, Short Answer)

Attendance/Participation Policy:

University sponsored absences are cleared through the Office of Student Life. Class attendance in this course is mandatory and is fulfilled through active participation on the course discussion board, as well as completion of assigned examinations. Graduate and professional students are subject to an elevated expectation for participation in class discussion board. Graduate and professional students should post original threads early during each unit, respond with encouraging and helpful remarks to posts of other students, and provide explanations of healthcare matters or research issues that may not yet be fully appreciated by undergraduate students enrolled in the cross-listed version of this course.

Classroom Behavior Policy:

At all times, I expect you to treat your presence in the classroom and your enrollment in this course as you would a job. You will be respectful towards you classmates and instructor. Spirited debate and disagreement are to be expected in any classroom and all views will be heard fully, but at all times we will behave civilly and with respect towards one another. Personal attacks, offensive language, name-calling, and dismissive gestures are not warranted in a learning atmosphere. As the instructor, I have the right to dismiss you from the electronic forums and other areas where disruptive behavior occurs.

Classroom Statement on Diversity:

The University of Wyoming values an educational environment that is diverse, equitable, and inclusive. The diversity that students and faculty bring to class, including age, country of origin, culture, disability, economic class, ethnicity, gender identity, immigration status, linguistic, political affiliation, race, religion, sexual orientation, veteran status, worldview, and other social and cultural diversity is valued, respected, and considered a resource for learning.

Disability Support:

The University of Wyoming is committed to providing equitable access to learning opportunities for all students. If you have a disability, including but not limited to physical, learning, sensory or psychological disabilities, and would like to request accommodations in this course due to your disability, please register with and provide documentation of your disability as soon as possible to Disability Support Services (DSS), Room 128 Knight Hall. You may also contact DSS at (307) 766-3073 or udss@uwyo.edu. It is in the student's best interest to request accommodations within the first week of classes, understanding that accommodations are not retroactive. Visit the DSS website for more information at: www.uwyo.edu/udss

Academic Dishonesty Policies:

Academic dishonesty will not be tolerated in this class. Cases of academic dishonesty will be treated in accordance with UW Regulation 2-114. The penalties for academic dishonesty can include, at my discretion, an "F" on an exam, an "F" on the class component exercise, and/or an "F" in the entire course. Academic dishonesty means anything that represents someone else's ideas as your own without attribution. It is intellectual theft – stealing - and includes (but is not limited to) unapproved assistance on examinations, plagiarism (use of any amount of another person's writings, blog posts, publications, and other materials without attributing that material to that person with citations), or fabrication of referenced information. Facilitation of another person's academic dishonesty is also considered academic dishonesty and will be treated identically.

Duty to Report:

UW faculty are committed to supporting students and upholding the University's non-discrimination policy. Under Title IX, discrimination based upon sex and gender is prohibited. If you experience an incident of sex- or gender-based discrimination, we encourage you to report it. While you may talk to a faculty member, understand that as a "Responsible Employee" of the University, the faculty member **MUST** report information you share about the incident to the university's Title IX Coordinator (you may choose whether you or anyone involved is identified by name). If you would like to speak with someone who may be able to afford you privacy or confidentiality, there are people who can meet with you. Faculty can help direct you or you may find info about UW policy and resources at <http://www.uwyo.edu/reportit>

You do not have to go through the experience alone. Assistance and resources are available, and you are not required to make a formal complaint or participate in an investigation to access them.

Substantive changes to syllabus:

All deadlines, requirements, and course structure is subject to change if deemed necessary by the instructor. Students will be notified verbally in class, on our WyoCourses page announcement, and via email of these changes.

Student Resources:

DISABILITY SUPPORT SERVICES: udss@uwyo.edu, 766-3073, 128 Knight Hall, www.uwyo.edu/udss

COUNSELING CENTER: uccstaff@uwyo.edu, 766-2187, 766-8989 (After hours), 341 Knight Hall, www.uwyo.edu/ucc

ACADEMIC AFFAIRS: 766-4286, 312 Old Main, www.uwyo.edu/acadaffairs

DEAN OF STUDENTS OFFICE: dos@uwyo.edu, 766-3296, 128 Knight Hall, www.uwyo.edu/dos

UW POLICE DEPARTMENT: uwpd@uwyo.edu, 766-5179, 1426 E Flint St, www.uwyo.edu/uwpd

STUDENT CODE OF CONDUCT WEBSITE: www.uwyo.edu/dos/conduct