

UNIVERSITY OF WYOMING
PHCY 5670
MEDICATION MALPRACTICE, 2 Credit Hours

Online Delivery, Primarily Asynchronous Through WyoCourses
Spring, 2021

This Course Meets Daily on the Discussion Board
The First Day of Class is February 7 and the Last Day of Class is April 24 (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 comprehensive 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.

Pharmacy Risk Management Legal Briefs:

- Basic Principles of Healthcare Liability
- Traditional Healthcare Liability Claims
- The Anatomy of a Healthcare Liability Lawsuit.
- Liability Reduction through Continuous Quality Improvement.
- Patient Counseling Standards.
- Reducing Liability Exposure in Patient Education.
- Safe Medication Use.
- Documentation Techniques that Reduce Legal Liability.
- Institutional Pharmacy Responsibility for Accurate Order Processing
- Institutional Pharmacy Responsibility for Positive Therapeutic Outcomes
- Pharmacy Standards for Patient Self-Care
- Defamatory Statements in the Pharmacist-Physician Relationship
- Refusal to Stock Emergency Contraception
- Strict Liability of the Pharmacist-in-Charge
- Ancheff v. Hartford Hospital; Supreme Court of Connecticut; Informed consent to pharmacist-managed gentamicin dosing protocol.
- Randol Mill Pharmacy v. Miller; Supreme Court of Texas; compounding lawsuits considered to be health liability claims.
- Hooks SuperX v. McLaughlin; Supreme Court of Indiana; Pharmacist duty to prevent attempted suicide from too-early refills.
- Happel v. Wal-Mart Stores; Supreme Court of Illinois; Pharmacist liability for dispensing contraindicated drug.
- McKee v. American Home Products; Supreme Court of Washington; Expert witness qualifications and the duty to warn.
- Kerns v. Hoppe; Supreme Court of Nevada; Patient assumption of risk for doctor shopping.

Pre-Recorded Online Mini-Lectures:

- Order Processing Accuracy.
- Quality Improvement and Risk Management Strategies
- The Failure to Warn.
- Drug Use Review.
- Technician Role and Supervision.
- Defaming Another Health Professional.
- Managed Care and Pharmacy Liability.

- Breach of Confidentiality.
- Opioid Misuse.
- The Pharmacist as Expert Witness

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 comprehensive exam.

Grading Standards:

The comprehensive grade in this course will be comprised of:

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|---------------------|-----|
| Ten Unit Exams | 50% |
| Comprehensive 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:

- Orientation Module
- Module I: Foundations of Malpractice Liability
 - Online Mini-Lecture: Order Processing Accuracy
 - Risk Management Legal Briefs
 - Basic Principles of Healthcare Liability
 - Traditional Healthcare Liability Claims
 - Module I Discussion Board
 - Module I Exam
- Module II: Practices and Procedures in Liability Reduction
 - Online Mini-Lecture: Quality Improvement and Risk Management Strategies
 - Risk Management Legal Briefs
 - The Anatomy of a Healthcare Liability Lawsuit.
 - Liability Reduction through Continuous Quality Improvement.
 - Module II Discussion Board
 - Module II Exam
- Module III: Patient Education Responsibilities
 - Online Mini-Lecture: The Failure to Warn.
 - Risk Management Legal Briefs
 - Patient Counseling Standards.

- Reducing Liability Exposure in Patient Education.
 - Module III Discussion Board
 - Module III Exam
- Module IV: Assuring Safe Use of Safe Medications
 - Online Mini-Lecture: Drug Use Review.
 - Risk Management Legal Briefs
 - Safe Medication Use.
 - Documentation Techniques that Reduce Legal Liability.
 - Module IV Discussion Board
 - Module IV Exam
- Module V: Liability and System Failure
 - Online Mini-Lecture: Technician Role and Supervision.
 - Risk Management Legal Briefs
 - Institutional Pharmacy Responsibility for Accurate Order Processing
 - Institutional Pharmacy Responsibility for Positive Therapeutic Outcomes
 - Module V Discussion Board
 - Module V Exam
- Module VI: Interactions With Patients
 - Online Mini-Lecture: Defaming Another Health Professional.
 - Risk Management Legal Briefs
 - Pharmacy Standards for Patient Self-Care
 - Defamatory Statements in the Pharmacist-Physician Relationship
 - Module VI Discussion Board
 - Module VI Exam
- Module VII: Responsibilities of Management
 - Online Mini-Lecture: Managed Care and Pharmacy Liability.
 - Risk Management Legal Briefs
 - Refusal to Stock Emergency Contraception
 - Strict Liability of the Pharmacist-in-Charge
 - Module VII Discussion Board
 - Module VII Exam
- Module VIII: Meeting Patient Expectations
 - Online Mini-Lecture: Breach of Confidentiality.
 - Risk Management Legal Briefs
 - Ancheff v. Hartford Hospital; Supreme Court of Connecticut; Informed consent to pharmacist-managed gentamicin dosing protocol.
 - Randol Mill Pharmacy v. Miller; Supreme Court of Texas; compounding lawsuits considered to be health liability claims.
 - Module VIII Discussion Board
 - Module VIII Exam
- Module IX: Monitoring Prescribers and Patients
 - Online Mini-Lecture: Opioid Misuse.
 - Risk Management Legal Briefs

- Hooks SuperX v. McLaughlin; Supreme Court of Indiana; Pharmacist duty to prevent attempted suicide from too-early refills.
 - Happel v. Wal-Mart Stores; Supreme Court of Illinois; Pharmacist liability for dispensing contraindicated drug.
 - Module IX Discussion Board
 - Module IX Exam
- Module X: Limiting Standards for Liability
 - Online Mini-Lecture: The Pharmacist as Expert Witness
 - Risk Management Legal Briefs
 - McKee v. American Home Products; Supreme Court of Washington; Expert witness qualifications and the duty to warn.
 - Kerns v. Hoppe; Supreme Court of Nevada; Patient assumption of risk for doctor shopping.
 - Module X Discussion Board
 - Module X Exam
- Comprehensive Exam (short answer/essay)

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

COVID-19 Policies – during this pandemic, you must abide by all UW policies and public health rules put forward by the City of Laramie (or by Natrona County if at UW-Casper), the University of Wyoming and the State of Wyoming to promote the health and well-being of fellow students and your own personal self-care. The current policy is provided for review at: <https://www.uwyo.edu/alerts/campus-return/index.html>

As with other disruptive behaviors, we have the right to dismiss you from the classroom (Zoom and physical), or other class activities if you fail to abide by these COVID-19 policies. These behaviors will be referred to the Dean of Students Office using the UWYO Cares Reporting Form for Student Code of Conduct processes (https://cm.maxient.com/reportingform.php?UnivofWyoming&layout_id=5).

Syllabus Changes: I will alert you to any possible course format changes in response to UW decisions about community safety during the semester.

HyFlex, Zoom, and WyoCourses expectations:

As with all UW coursework, this course will be educational and useful to you. I will respond to questions, concerns, and feedback in a timely manner.

Your responsibilities:

- Give and receive feedback from me and your classmates respectfully and constructively in all interactions. This includes in Zoom chats, on WyoCourses boards, and within physical classroom spaces.
- Actively engage in civil discourse in a respectful manner. Use professional language in all course related forums.
- Communicate professionally. Whenever you send class-related email or messages, please include a clear, specific subject line and use the body of the email or message to explain the purpose for the email and any attached materials. Conduct yourself professionally.
- Meet assignment deadlines. We expect that you're interacting with course material multiple times during the week.
- Ask for help when you need it. For academic assistance for this course please contact me for available resources. For Dean of Students assistance please see: <https://www.uwyo.edu/dos/student-resources/covid-19-student-resources.html>
- Please let us know if you notice another student who needs help in our (anonymous) WyoCares referral option (<https://www.uwyo.edu/dos/students-concern/index.html>).

Information Technology (IT): If you have any IT related challenges, please contact the UWIT Service Center: <https://uwyo.teamdynamix.com/TDClient/1940/Portal/Requests/ServiceDet?ID=8890>

Discussion Board (Class) Preparation/Participation

Grading Rubric

(25% of Grade)

| | Excellent (A) | Good (B) | Inadequate (C) |
|---------------------------------|--|---|--|
| Contributions | Consistently initiates useful and relevant ideas when participating in the discussion board. A definite leader who contributes major effort and who makes class discussions better. | Usually provides useful ideas when participating in classroom discussion board. A strong student who tries hard but is more of a follower than a leader in discussions. | Inconsistent in providing relevant comments on discussion board. Fails to initiate new threads that stimulate participation by other students. |
| Attitude | Always respectful of others; has a positive attitude, and does not rudely criticize anyone else's ideas or work. Other students feel safe responding to this student's posts. | Occasionally becomes impatient with ideas or work of others. Usually has a positive attitude toward discussions. Usually treats others and self with respect. | On more than one occasion becomes disrespectful of ideas expressed by others, using insults rather than evidence to express contrary views. |
| Preparedness & Focus | Consistently stays focused on subject matter assigned for discussion board and achieves identified outcomes. Self-directed and highly motivated. Postings help with understanding of assigned materials. | Usually posts comments that are related to course materials, but occasionally rambles about subjects that are not relevant to the course. | Postings to discussion board are based on general knowledge and common sense, rather than on materials assigned for course. |
| Quality of Work | Provides work of the highest insight that motivates other students to achieve at a high level. | Provides quality work that is interesting but not consistently insightful. | Does work that reflects little understanding of the course material. |