This seminar course will explore three related topics:

1. Should quality be measured and rewarded in health care – e.g. through “pay for performance” programs and/or public reporting of physician and hospital quality scores? If so, how should this be done? What unintended consequences might pay for performance and public reporting have, and is it possible to minimize these?

2. In response to research that showed that physicians refer patients for more physical therapy, X-rays, laboratory tests, etc. when they own the facilities to which they refer, Congress and many states passed laws during the 1990s (notably, the two “Stark laws”) to limit physician self-referral. Exemptions in these laws have resulted in rapid growth in physician-owned specialty hospitals (e.g. cardiac hospitals), ambulatory surgery centers, and high tech imaging facilities. Have existing laws been beneficial? Should they be revised and/or extended to current, controversial areas of physician self-referral?

3. Is the U.S. medical malpractice system well-designed to reduce medical errors, increase overall medical quality, and compensate injured patients? Should it be changed? If so, what are alternative changes that might be chosen, and what are their advantages and disadvantages?

We will approach these topics by drawing from debates in the health policy and legal literature as well as the literatures of law and economics, of institutional sociology, and of the sociology of professionalism.
One of the unusual aspects of the course, which students typically find fascinating, is the interaction among law students, MBA students, physicians, and graduate students in the social sciences. Each brings a quite distinct point of view and way of analyzing problems.

Each student will write a paper related to one of the above topics and will give a presentation in class presenting work in progress on the paper. There will be no exams. Class size will be limited to 15. Admission to the course is by permission of the instructor (may be obtained in advance or at the first class). The course is intended for graduate students in law, business, sociology, economics, and public policy, as well as for physicians involved in fellowships in the medical school.

Reading for the course is front-loaded so that we will all quickly gain some basic facts and concepts. There is no required reading after the sixth week of the course.

Course Instructor:

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Grading:

1. class participation: 30%
2. presentation of paper/work-in-progress: 25%
3. paper: 45%

Paper requirements:

1. Length: 12-18 pages, double spaced (approximately 3,600-5,400 words), not including figures, tables or references.
2. Topic: may be drawn from any of the three main areas covered in class. It is best to discuss your proposed topic with Dr. Casalino.
3. Your paper is likely to be easier to write, and better, if you center it on answering one or two questions that you explicitly state.
4. You should do some reading (though not necessarily a great deal) in addition to the assigned reading as necessary to write your paper.

5. Types of paper acceptable (note that the intention is for you to choose a format and write your paper in the mode of the format you choose, not that your paper will be ready for publication in that format):

   a) a law review article (albeit briefer than most)

   b) a think piece that clearly lays out a problem, alternative solutions, and your preferred solution, and that incorporates key ideas and evidence available (use as a model think pieces in the main journals in your academic field)

   c) a research proposal that states one or more research questions, reviews the evidence available to answer these questions, and proposes in some detail how you would go about investigating the questions.

   d) a policy briefing report written for a legislative committee or regulatory agency or for a corporation or coalition of corporations defining a problem and alternative solutions/courses of action that the committee/agency/corporation or coalition might take, with your suggestion as to the appropriate one. For this paper, you should specify the type of organization at which the report is aimed (e.g. congressional committee, CMS, the Washington Business Group on Health . . . )

   e) a legal summary about a specific problem written for a judge.

   f) a business plan for a health plan, medical group, or hospital that specifies a problem, discusses alternate strategies that the firm might adopt, gives pros and cons of each, and recommends one and gives the reasons why.

   g) other types of papers may be acceptable – please discuss with me.

**Presentation requirements:**

1. Presentations will take place during weeks 8-10.

2. Presentation should last approximately 25 minutes, with 15 more minutes allocated to class discussion.

3. Presentation need not be highly formal: purpose will be to present your work in progress and get feedback from other students and from the instructor.

4. The student presentations are typically one of the high points of the course.
Readings for Topics in U.S. Health Economics, Sociology, and Policy

Week 1 (January 7):

Introduction and Background
Quality And Variation In U.S. Medical Care
Key Features Of The Organization Of The System

A. Mediocre Quality and Unexplained Variation


B. Key Features of the Organization of the System


Week 2 (January 14):

Organized Processes to Improve Quality
Rationale for Pay for Performance and Public Reporting
Agency Theory and Possible Unintended Consequences and Effects on Racial and Economic Disparities in Health Care


Week 3 (January 21 is a University holiday, so we will likely find an alternate date):

Pay for Performance and Public Reporting: What Do the Data Show?


Week 4 (January 28): Physician Self-Referral: What is Going On?


Week 5 (February 4): Physician Self-Referral: What, If Anything, Should Be Done?


Week 6 (February 11): Overview of the Medical Malpractice System and Its Effects


Week 7 (February 18): Should the Medical Malpractice System Be Changed? If So, How?


Week 8 (February 25): Student Presentations

Week 9: (March 3): Student Presentations

Week 10 (date to be determined): Student Presentations

An additional resource are web sites such as the following:

Health Affairs www.healthaffairs.org

Center for Health Policy, Law and Management http://www.hpolicy.duke.edu/

Center for Studying Health System Change http://www.hschange.com/

Kaiser.edu http://www.kaiseredu.org/


Improving Chronic Illness Care http://www.improvingchroniccare.org/
Disease Management Association of America http://www.dmaa.org/
Washington Business Group on Health http://www.wbgh.org
Midwest Business Group on Health http://www.mbgh.org
the Leapfrog Group http://www.Leapfroggroup.org
Integrated Healthcare Association http://www.iha.org
Bridges to Excellence http://www.bridgestoexcellence.org/bte/
Foundation for Accountability http://www.facct.org/facct/site/facct/facct/home
National Quality Forum http://www.qualityforum.org
National Committee for Quality Assurance http://www.ncqa.org
Pacific Business Group on Health http://www.pbgh.org
Pursuing Perfection
http://www.ihi.org/IHI/Programs/PursuingPerfection/PursuingPerfection.htm
Rewarding Results http://www.leapfroggroup.org/RewardingResults/index.htm
Joint Committee for the Accreditation of Healthcare Organizations http://www.jcaho.org/