

# HLA 101 – Healthcare Law Foundations

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## Comprehensive Outline

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### 1) Course Orientation: What Healthcare Law Is

**Goal:** Understand why healthcare is uniquely regulated and how legal assistants support risk-controlled workflows.

#### Key points

- Healthcare law blends **federal/state law, agency rules, professional standards, and payer contracts**
- “Compliance” is not optional: documentation + policies + training are part of daily operations
- Legal assistants support: **intake, document control, deadlines, research support, communications logs, and audit-ready files**

#### Example (real-world task)

- A clinic receives a payer letter requesting records for a claims review. Legal staff must **identify what is requested, track deadlines, pull the right records, and log what was produced.**

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### 2) Healthcare System Map: Who the Players Are

**Goal:** Identify the main parties and how they relate legally.

**Table: Key stakeholders and legal touchpoints**

Stakeholder	Examples	Common legal touchpoints	What a legal assistant tracks
Patients	Individuals, families	Consent, privacy rights, billing disputes	Authorizations, complaint logs, communications
Providers	Physicians, nurses, PT, labs	Licensure, scope of practice, documentation standards	Credentials file, license renewals, policies
Facilities	Hospitals, clinics, SNFs	Accreditation, staffing, quality reporting	Policies, incident reports, survey materials
Payers	Medicare, Medicaid, private insurers	Coverage rules, claims, audits, appeals	Denials, appeal deadlines, submissions
Regulators	HHS/OCR, CMS, state boards	Investigations, enforcement, reporting obligations	Requests, deadlines, production logs
Vendors	Billing companies, IT, cloud	Business Associate agreements, security	BAAs, vendor due diligence, incident notices

#### Example

- A billing vendor has access to PHI → the organization usually needs a **Business Associate Agreement (BAA)** and security expectations documented.

### 3) Sources of Healthcare Law: Where the Rules Come From

**Goal:** Learn what counts as authority and how to locate it.

**Table: Authority types (what they are + how they show up)**

Source	What it is	Where you see it	LA support tasks
Statutes	Laws passed by Congress/state legislatures	Patient rights, fraud laws, licensing acts	Pull citations, summarize requirements
Regulations	Detailed rules issued by agencies	Medicare rules, HIPAA regulations	Identify applicable section, track updates
Agency guidance	Manuals, FAQs, bulletins	CMS manuals, OCR guidance	Print/save guidance to file, cite properly
Case law	Court decisions interpreting rules	Malpractice standards, disputes	Case summaries, key holdings, citations
Contracts	Private rules parties agree to	payer contracts, provider agreements	Organize versions, key terms, deadlines
Policies/procedures	Internal rules	compliance programs, privacy policies	Version control, training logs

### Example

- A Medicare denial appeal often references **regulations + CMS manual guidance +** medical record documentation.

## 4) Federal vs. State Oversight: What's Regulated Where

**Goal:** Distinguish federal programs and national rules from state licensing and facility regulation.

### Federal focus (typical)

- Medicare/Medicaid program rules (CMS)
- HIPAA privacy/security enforcement (HHS/OCR)
- Federal fraud enforcement (DOJ/OIG)

### State focus (typical)

- Provider licensing boards (medicine, nursing, PT, etc.)
- Facility licensure (state health departments)
- State privacy laws (may add requirements beyond HIPAA)

**Table: Quick comparison**

Topic	Federal often controls	State often controls
Provider ability to practice	—	Licensing, discipline
Payment rules	Medicare/Medicaid	Medicaid details + private insurance regulation varies
Privacy/security baseline	HIPAA	State privacy add-ons, breach rules
Facility regulation	CMS Conditions of Participation	State licensure, inspections

### Example

- A nurse practice issue (scope/discipline) is usually **state board** driven, even though the facility may also face federal reporting and employment consequences.

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## 5) Major Practice Areas You'll Encounter (High-Level)

**Goal:** Know the “buckets” health law work falls into.

**Table: Practice area overview + typical documents**

Practice area	What it covers	Common documents in the file
Privacy/Security	PHI handling, breaches	policies, BAAs, incident logs, notices
Compliance Programs	training, audits, reporting	training rosters, audit reports, CAPs
Licensing/Credentialing	authority to practice, privileges	applications, verifications, renewals
Reimbursement	claims, denials, appeals	EOBs, denial letters, appeal packets
Fraud/Abuse	Stark/AKS/FCA concepts	contracts, payment records, audit trails
Risk/Malpractice	negligence claims, incident response	med records, incident reports, expert files
Contracts	services, vendors, providers	agreements, amendments, term sheets
Patient Rights	consent, access, grievances	consents, complaint log, responses

### Example

- A malpractice claim file often contains: **incident report + med chart + billing + communications + demand package.**

## 6) The Legal Assistant's Role in Healthcare Law (Day-to-Day)

**Goal:** Learn what you do, how to do it, and what you must not do.

### Core tasks

- **Client intake & triage** (collect facts, route urgent issues)
- **Document control** (versioning, indexing, Bates concepts)
- **Deadline tracking** (appeals, response dates, record production)
- **Research support** (pull statutes/regulations/guidance)
- **Drafting support** (templates, memos, letters—attorney review)
- **Communication logs** (who/what/when, next steps)

### Boundary reminder (UPL risk)

- You **do not** give legal advice or interpret outcomes for clients
  - You **do** gather facts, explain process steps, and document communications
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## 7) Healthcare Documentation: What Matters and Why

**Goal:** Understand why “if it isn’t documented, it didn’t happen” is a big deal in healthcare.

**Table: Common healthcare documents and why they matter**

Document type	Example	Why it matters legally	Common LA quality checks
Policies	privacy policy	shows compliance expectations	current version? signed? trained?
Training logs	HIPAA training roster	proves staff were trained	dates, attendees, completion
Medical records	progress notes	supports care + billing	completeness, dates, signatures
Incident reports	fall report	triggers investigation/CAP	who reported, timeline, attachments
Contracts	vendor agreement	defines obligations + risk	term, scope, security clauses
Notices	denial letters	deadlines + appeal rights	date received, due date, packet

### Example

- A missing physician signature in a record can weaken a claim response, audit defense, or malpractice timeline.
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## 8) Basic “Issue-Spotting” Framework for Health Law Files

**Goal:** Learn a repeatable way to identify what type of problem you’re looking at.

**Table: Issue-spotting checklist (fast triage)**

Question	If “yes,” likely topic	What to gather immediately
Is PHI involved?	HIPAA/privacy	who accessed, what info, when, how disclosed
Is payment/denial involved?	reimbursement	denial/EOB, claim data, records, deadlines
Is a provider’s license/privileges at stake?	licensing/discipline	license status, notices, employment actions
Is there a referral/payment relationship?	Stark/AKS risk	contracts, invoices, payment history
Was there patient harm or an adverse event?	risk/malpractice	incident report, chart, witnesses, timeline
Is a regulator requesting information?	enforcement	request letter, scope, due date, hold notice

### Example

- A staff member emails records to the wrong address → privacy incident workflow + documentation + potential notifications.

## 9) File Building: How Healthcare Legal Files Are Organized

**Goal:** Learn standard file structure so attorneys can work quickly.

**Table: Recommended file sections (paper or digital)**

Section	What goes there	Examples
Intake & Authority	engagement/intake docs	intake form, authorization, ID
Timeline	chronology tools	event timeline, contact log
Records	clinical + admin records	chart, labs, imaging, policies
Payer/Regulatory	notices and responses	denials, audit letters, productions
Contracts/Finance	agreements + payments	vendor contracts, invoices
Work Product	attorney/LA drafts	memos, summaries, draft letters
Closeout	final docs	settlement, final notice, retention notes

### Example workflow

- Start a new matter → open folders → create an **index** → log the first deadline → request key records.

## 10) Mini-Scenarios (Applied Examples)

Use these as class exercises or homework.

### Scenario A: Denial + appeal

- Patient receives denial for a procedure.
- LA tasks:
  - Create appeal folder + deadline tracker
  - Collect: denial letter, EOB, prior auth docs, physician notes
  - Draft appeal packet checklist + transmittal letter (attorney finalizes)

### Scenario B: HIPAA incident

- Staff member views a chart not assigned to them.
- LA tasks:
  - Start incident intake form
  - Preserve audit log screenshot (per policy)
  - Track investigation steps + corrective action documentation

### **Scenario C: Credentialing delay**

- Provider's privileges delayed due to missing verification.
- LA tasks:
  - Request primary source verification
  - Track follow-ups and expected completion dates
  - Maintain credentialing checklist and evidence file

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