

**FALL 2008**

**INSTITUTE FOR HEALTH LAW  
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW**

**TOPICS IN HEALTH LAW**

**WILLIAM P. SCHURGIN  
CAMILLE OLSON**

**COURSE MATERIALS**

**OCTOBER 15 – DECEMBER 3, 2008**

**WEDNESDAY 5:00 - 7:00, ROOM 106**

## **I. BRIEF DESCRIPTION**

This course will focus upon current labor and employment law topics of importance to the health care industry. The topics which will be covered are: labor law and the health care industry including physician unions and health care bargaining units; employment-at-will, sexual harassment, disability discrimination, AIDS and the health care employer; independent contractor relationships; and wage and hour standards.

## **II. COURSE OUTLINE**

### **WEEK 1 (10/15/07)**

Labor Law - Part I

- A. Overview of labor laws applicable to health care employers.
- B. Collective bargaining units -- NLRB Rulemaking
- C. The Employee Free Choice Act
- C. Supervisors under the NLRA

### **WEEK 2 (10/22/07)**

Labor Law - Part II

- A. Supervisors Continued
- B. Residents and Interns
- C. Physician Unionization

### **WEEK 3 (10/29/07) (Camille Olson)**

Wage and hour issues applicable to health care providers

- Overview of wage and hour laws
- Overtime requirements
- Exemptions

#### **WEEK 4 (11/5/08)**

##### Employment Discrimination -- Part I

###### Disability Discrimination

- Defining disability
- Americans with Disabilities Act and the 2008 Amendments to the Americans with Disabilities Act
- Ability to perform essential functions of the job
- HIV - Exposure Prone Invasive Procedures

#### **WEEK 5 (11/12/08) (Camille Olson)**

##### The Changing Nature of Employee/Independent Contractor Relationships in an Integrated Health Care Delivery System

- A. Overview
- B. Independent Contractor Issues
- C. Temporary and Leased Employees
- D. Other Issues

#### **WEEK 6 (11/19/08)**

##### Employment Discrimination -- Part II

- Sexual harassment

#### **WEEK 7 (12/3/08) (Camille Olson)**

##### Employment-At-Will

- A. Review of employment-at-will doctrine.
- B. Review of judicially imposed exceptions to the doctrine.
  - Retaliatory discharge.

- Breach of contract.
  - Handbooks and policies
  - Covenant of good faith and fair deals.
  - Defamation/privacy.
  - Emerging areas of erosion of employment-at-will.
- Common law torts

## Course Review