

## PREFACE

*The Law of Healthcare Administration* is intended to give readers some appreciation of the role law plays in the everyday operation of our health-care system. The book was first published in 1988, when the late Arthur F. Southwick was a guiding light in our field. It was the first to capture the essence of health law from management’s perspective. I have been privileged to carry Professor Southwick’s legacy through the third and fourth editions, and now it is time for the fifth.

My publisher has told me—probably in an effort to inflate my ego and keep me writing (it worked on both counts!)—that this is one of the best-selling books ever published by Health Administration Press. Its continued popularity in a rapidly changing field is a powerful reminder that “law is the warp and woof of healthcare,” to paraphrase one of my former bosses.

The goal for this edition was to retain the book’s basic format but to make the following important changes to the new edition:

- New developments in several areas are discussed. Although the law changes at a glacial pace, small avalanches do happen from time to time. I point these changes out, including those in the areas of HIPAA, abortion, and withholding life-sustaining treatment.
- Plain language is used as much as possible. Legalese can induce not only confusion but also somnolence; both should be avoided.
- Chapters have been reordered for a different and better flow to the material.
- The chapter formerly entitled “Corporate Compliance Programs in Healthcare” has been reworked to give greater emphasis to health-care fraud and abuse issues. It is now called “Fraud, Abuse, and Corporate Compliance Programs.”
- Chapter Objectives now introduce each chapter, giving the reader a quick preview of the lessons in each chapter.
- Legal Briefs, Legal DecisionPoints, and The Law in Action are sprinkled throughout the chapters. Legal Briefs offer extra information,

not always about legal matters, that adds interest to the learning of concepts. Legal DecisionPoints include legal scenarios for further thought. The Law in Action features lay out actual cases and outcomes and are akin to the “war stories” that I often tell in class and which seem to stimulate good discussion. Questions and scenarios raised in these three extra elements will spur critical thinking and hopefully add to students’ understanding of the concepts in the chapter.

- Chapter Summaries and Chapter Discussion Questions follow each chapter.
- The appendix in the fourth edition has been abandoned in favor of some excerpts of judicial decisions in the pertinent chapter.
- Now located at the end of each chapter is The Court Decides section. Most of these cases are accompanied by discussion questions. The cases in this section are compiled from the opinions of various federal and state courts. They are presented to illustrate the legal principles discussed in the chapter. Deletions I made from the original texts of the opinions are generally indicated by ellipses; in some instances, however, I summarized lengthy omissions and placed them in brackets and are in italics. Asterisks (\*\*\*) sometimes indicate omissions in the original texts of opinions because this tends to be the judiciary’s style. Except where pedagogic purposes require their retention, all notes and in-text case citations have been omitted from the opinions without notation.
- A Glossary of important definitions is now available.
- Suggested Readings have been added for the inquisitive mind, whether the instructor’s or the student’s.
- The List of Cases in the fourth edition has been renamed Case Index, to reflect its format at the end of the book.

For professors who assign the text in their courses, an Instructor’s Manual is available. The manual includes a PowerPoint presentation and suggested talking points for the Legal DecisionPoints, Chapter Discussion Questions, and The Court Decides discussion questions. To gain access to the Instructor’s Manual, e-mail [hapl@ache.org](mailto:hapl@ache.org).

I hope this book fills a need for a pragmatic health law text for health administration executives and for students and faculty of healthcare administration, nursing, and public health programs and in related disciplines.

Thanks go to numerous persons who submitted suggestions and keen insights based on their experiences with the earlier editions and/or their review of the manuscript of this edition. Among these people are David V. Kraus at the University of California San Diego Medical Center; Clifford Mills of Seattle, Washington; Jeffrey Poster of Arlington, Texas; and Tadd Pullin of Houston, Texas.

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