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Table of Contents

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ANNALS OF HEALTH LAW

VOLUME 7

1998

CONTENTS

FOREWORD i

ARTICLES

Regulating Managed Care Coverage:
A New Direction for
Health-Planning Agencies THADDEUS J. NODZENSKI 1

The article focuses on the role of health planning agencies in the context of managed care. The author argues that health planning agencies can be redirected toward assessment of managed care plans. Planning entities can be used to evaluate the viability of managed care markets taking into account societal, financial and medical considerations.

Managed Care at the Crossroads:
Can Managed Care Organizations
Survive Government Regulation? VICKIE YATES BROWN 25
and BARBARA REID HARTUNG

Attorneys Brown and Hartung provide a comprehensive overview of the development and structural components of managed health care plans. The article discusses the state regulatory controls affecting managed care including Patient Protection Acts. Mandated benefit provisions, any willing provider laws, and consumer access provisions. The article considers liability problems facing managed care organizations, in particular liabilities which arise from utilization and medical review discussions as well as gag clauses and financial incentive arrangements. The authors also review relevant federal regulatory initiatives.

The States, Congress, or the Courts:
Who Will Be First To Reform
ERISA Remedies? CURTIS D. ROONEY 73

Curtis Rooney's article reviews the ERISA law and it relationship to managed care. The piece continues with a review of the relevant preemption provisions and a extensivsie discussion of related U.S. Supreme Court decisions. The author discusses malpractice and design liabilities. The article concludes with a discussion of reform initiatives directed toward the ERISA preemption and damage provisions.

Boards of Directors Under Fire:
An Examination of Nonprofit Board
Duties in the Health Care Environment NAOMI ONO 107

Attorney Ono presents a detailed discussion of fiduciary duty principles as applied to the directors of nonprofit health care corporations in the current health care environment. The article reviews general corporate responsibilities, the implication of the taxpayer's Bill of Rights 2, the care of In re Caremark International Inc. Derivative Litigation and particular issues faced by boards in nonprofit conversions.

Corporations Faced with Sharing Control with
Other Nonprofit Organizations in Health
Industry Affiliations: A Commentary on
Legal and Practical Realities..... L. EDWARD BRYANT, JR. 139

This article concerns the legal responsibilities of not-for-profit corporation directors in merges and affiliations with other not-for-profits. The article considers three sets of legal duties board members have, ancillary contractual obligations, madatory statutes and procedural laws, and contextual legal duties.

Recent Changes to the Internal Revenue Code
May Require Tax-Exempt Hospitals to Restructure
Ownership of Certain Activities JOSEPH C. MANDARINO 159

This article by attorney Mandarino explores the implications of a 1997 change in the Internal Revenue Code affecting tax-exempt hospitals which run or operate for-profit businesses. The piece explores the application of prior law to hospital ownership of for-profit ventures and continues on to review the implications of the 1997 amendment, particularly on existing structures. The article concludes with suggestions to avoid applications of the amended section.

Federal Regulation Comes to Private Health
Care Financing: The Group Health Insurance
Provisions of the Health Insurance Portability
and Accountability Act of 1996 JACK A. ROVNER 183

Attorney Rovner presents a very detailed accounting of the impacts of the Health Insurance Portability and Accountability Act as it relates to group health insurance including provisions that concern pre-existing conditions, special enrollment rights, premium discrimination, maternity lengths of stay, parity for mental health benefits and small groups coverage. The article concludes with a discussion of the federalism question as it relates to regulation of private market health financing.

A Look Back at the Year in Health Law ... JEFFREY R. BENNETT 217

The Bennett article takes us back to 1997 and reviews key legislators, regulations and judicial developments in Medicare, antitrust, tax and ERISA, all of which greatly impact the practice of health law.