

Introduction to the Legal System & its Processes

HSCC 330

Legal and Legislative Aspects of
Health Care

Class Objectives

- Rationale for studying the law
- Sources of law in the United States
- Organization of the courts, legislative bodies, and administrative agencies

Why should I study the law?

- Job responsibility
- Complex legal system
- Increasing law-related actions

Characteristics of Law

- Mechanism and sequence for establishing policy
- Mechanism for settling individual disputes between citizens over issues that matter greatly to them, but maybe not to society
- laws are considered the minimum standard necessary to keep society functioning

Characteristics of Law

- Historic and evolving collection of judicial decisions, administrative law, statutes, regulations, and recognized standards found in legal books and materials
- It is man-made, and it regulates social conduct in a formal and binding manner

Law, Where does it come from?

■ Common Law

- Derived from judicial decisions
- Statutory Law
 - From the state and federal legislatures
- Administrative Law
 - Prescribed by administrative agencies

Common Law

- Develops with judicial decisions
- Collection of legal principles
- Two principles
 - Res Judicata
 - Stare Decisis

Statutory Law

- From legislative bodies
- US constitution is the highest body of statutory law
- May override common law
- Codes
- Regulations

Administrative Law

- Issued by administrative agencies, often in an effort to fulfill the goals of statutory law
- Administrative procedures act, imbues administrative agencies with their authority without breach of separation of powers doctrine

Regulations

- Guidelines enacted by federal agencies for the enforcement of laws

Government Organization

- Executive
- Legislative
- Judicial

Linked by

Separation of powers doctrine

Executive Branch

- President, Vice President, Cabinet, federal agencies
- Enforces law

Legislative Branch

- Congress
 - House of Representatives
 - Senate

- Creates law

Judicial Branch

- US Supreme Court, Courts of Appeal, District Courts, Specialized Courts
- Interprets law

Supreme Court

- Nation's highest court and the only court created directly in the constitution
- Eight associate and one chief justice

State Statutes & Regulations

- Similar to Federal law
- State Constitution establishes the structure of state government

Federal Statutes

- Constitutional Law or Statutory Law
- Laws enacted by Congress
- Published as the US Code

Federal Regulations

- Administrative Law/Administrative Agencies
- Regulations come from statutes

Public vs. Private Law

■ Public

- criminal law
- regulations

■ Private

- civil law
- relationships among individuals

Substantive v. Procedural Law

- Substantive Law
 - “facts”
- Procedural Law
 - following proper procedure

Administrative Agencies

- Department of Health and Human Services
 - SSA
 - Medicare and Medicaid
 - Public Health Service: NIH, FDA
- Department of Justice
- National Labor Relations Board

Vocabulary

- Precedent
- Separation of powers doctrine
- Common law
- Statutory Law
- Administrative Law
- Res Judicata
- Stare Decisis