

Bibliography Exercise – Topics in Health Law

“Consumer-Driven Health Plan” (or CDHP) is the popular term for a variety of devices by which individuals can contribute both their and their employers’ money to fund medical expenses. Two of the more popular devices are called Medical Savings Accounts (MSA), and Health (or Healthcare) Savings Accounts (HSA).

This exercise is in two parts. The first part – involving traditional legal research – is to be done prior to the class session indicated on the Syllabus. The second half – involving non-legal materials – will be done in class, when we meet with Ms. Glennan.

Part I. Legal Questions About CDHP (MSAs and HSAs) Using traditional legal research tools (LEXIS, Westlaw, books . . .) locate the primary sources of authority for each of the following points:

1. By what authority were MSAs or HSAs authorized? Locate and cite the statute or regulation, and the agency (if there was one) that issued it.
2. How, if at all, do MSAs differ from HSAs? Quote the relevant authority.
3. What are the legal advantages to an individual for using an MSA or HSA? Quote the relevant authority.
4. What are the requirements of an MSA or HSA – i.e., how must it be structured in order for an individual to obtain its advantages? Quote the relevant authority.

Part II. CDHPs in the Health Policy Literature. Find at least one article for each of the following questions. Note that “Article” here, and always, means only original articles published in the peer-reviewed literature and regarded as primary sources. Internet discussions or summaries are not primary sources (though they may lead you to them.)

1. Empirical data. Who tends to use CHDP? Who does not? How much “penetration” does CDHP have in the healthcare insurance market in the United States?
2. Economic Analyses CDHPs have been criticized for causing economic distinctions in health insurance costs for different demographic categories of people. What are those differences?
3. Social and Ethical Policy Questions. Who wins and who loses from the availability of CDHP? What ethical or social criticisms have been levied against them?