Research Review for
Health Care Finance and Organizations

Boston College Law School
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and Lecturer in Law

Where to Start

Figure out what you’re looking for
What is legal research?

The search for authority:

- to predict a likely outcome
- to advise a client
- or
- to advocate for a client

Finding a Topic

Current awareness services, especially from relevant topical reporters, can stimulate creative thoughts.
Topical Services

Bureau of National Affairs (BNA) services such as United States Law Week
Also available electronically.
<table>
<thead>
<tr>
<th>E-Mail Preferences</th>
<th>Sign up for e-mail summaries of any BNA news service or any BNA reference library or change your e-mail preferences.</th>
</tr>
</thead>
</table>
| Alphabetical List of Products | ARABIAA Lawyers' Manual on Professional Conduct  
ARABIAA Lawyers' Manual on Professional Conduct -- Current Reports Only  
Arbitration & Trade Regulation Daily  
Assist & Trade Regulation Report  
Banking Daily  
 Banking Report  
Bankruptcy Law Daily  
Bankruptcy Law Report  
Benefits Practice Center  
BioTech World  
Broker/Dealer Compliance Report  
Chemical Regulation Daily  
Chemical Regulation Reporter®  
Class Action Litigation Report  
Computers, Technologies & Law E-Reports  
Construction Labor Report  
Corporate Accountabilities Report®  
Corporate Accountabilities & Fraud Daily  
Corporate Compliance Library  
Corporate Counsel Weekly  
Corporate Governance Library  
Corporate Governance Report  |
| Useful Phone Numbers | 1-800-772-3374 |
| Law School Support | Training 1-800-772-1833, option 5, M-F, 8:00 am - 7:00 pm ET (excluding most federal holidays) |
Topical Services

CCH (Commerce Clearing House) publishes a number of relevant titles such as the Medicare and Medicaid Guide, now available through CCH IntelliConnect.
You must be on campus to register. Once registered, you can access from anywhere.
Click on the Add/Modify Tracker link in this pane to customize your current awareness results.

Click on the target icon to customize your trackers even more.
Building a Foundation

Understand facts

Understand legal terms - legal dictionaries, words and phrases

Understand general legal principles and what general areas of law are involved - general secondary sources
The Main Event

<table>
<thead>
<tr>
<th>Types of Authority</th>
<th>Sources</th>
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<tbody>
<tr>
<td>Primary</td>
<td>Constitutions</td>
</tr>
<tr>
<td>(Can be binding)</td>
<td>Cases</td>
</tr>
<tr>
<td></td>
<td>Statutes</td>
</tr>
<tr>
<td></td>
<td>Regulations</td>
</tr>
<tr>
<td>Secondary</td>
<td>Commentaries</td>
</tr>
<tr>
<td>(Can only be</td>
<td>e.g. Law Reviews</td>
</tr>
<tr>
<td>persuasive)</td>
<td>Background Materials</td>
</tr>
<tr>
<td></td>
<td>e.g., Legislative Histories</td>
</tr>
</tbody>
</table>

Most lawyers start secondary

Secondary sources:
- Are easier to read and understand
- Are well organized
- Contain cites to primary materials
- Lead you to leading cases
Treatises (Books)

Used for:

- general overview
- citations to primary sources
- persuasive authority

Find Books in QUEST
QUEST – Tip

Search the Full Library Catalog to find everything available at B.C.

Law Library Catalog restricts you to items in the Law Library and internet resources.

If Quest doesn’t have what you need, try changing to the WorldCat database in the “Other Library Resources” section and request books thorough interlibrary loan.
Search types

Keyword
Author
Title
Subject Heading
Many more options
QUEST – Tip

Start with keyword searches
Use index browses when you only know the beginning of a title or when you want to browse a list of authors, titles, or a known Library of Congress Subject Heading

Subject Headings

Can lead you to relevant information regardless of the exact words in the title.
For example:

Health services administration
Used for: health administration, health care administration, health care management, health services management
Subject Headings

Like author and title searches, subject headings read left to right and automatically truncate, so you need to know the correct term.

Subject Headings

But they are very hard to predict.
For example:
For Health insurance,

Use **Insurance, Health**

But **Health insurance claims**
QUEST – Tip

Incorporate words from the known subject headings into a well-crafted keyword search to improve both accuracy and precision of your search.

Some suggested subject headings are found in the LibGuide.

QUEST – Tip

Chose Advanced search for field-restrictors, and more sophisticated keyword searching.

Remember that truncation is not automatic in keyword searches.
Shelf Browsing

Recommended call numbers allow you to browse the books on the shelves.

KF – American Law
RA – Public aspects of medicine
Shelf Browsing

Remember that books can only be in one place at a time, but can have multiple subject headings, so supplement browsing with catalog searches.

Law Reviews

Uses

- recent developments
- citations to primary sources
- persuasive authority
Start with Indexes

Indexes lead you to articles about a particular topic.

Full text searching leads you to any use of a term.

Law Review Indexes - ILP

*Index to Legal Periodicals & Books* (back to 1980) through Westlaw - *ILP*

Lexis - *Index to Legal Periodicals*

ILP and ILP Retrospective can be accessed through Alphabetical Databases Link
Law Review Indexes - CLI

Current Law Index
Westlaw – LRI
Lexis – Legal Resource Index
Alphabetical List of Databases – LegalTrak

Law Review Indexes - CILP

Current Index to Legal Periodicals
Westlaw – CILP
Alphabetical List of Databases – Current Index to Legal Periodicals
Law Reviews - Full Text

LEXIS
LAWREV;LGLPUB
Legal Publications Group File

WESTLAW
TP-ALL
contains: law reviews, bar journals, ABA journals, legal newspapers, legal newsletters, specialty legal publications, and CLE materials.

In order to get access to browse or search materials, you must first select the appropriate practice areas.
You may select broad or narrower subjects, but you will only be able to browse or search what you select, so be over inclusive if necessary.
Cobra Guide, 115.043, INDIVIDUAL COVERAGE GUARANTEED UNDER HIPAA

Until the recent enactment of the Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191), the only guarantee that a qualified beneficiary who has a preexisting condition has of acquiring individual coverage when COBRA continuation coverage ended was in the conversion provisions of the group health plan, if any existed. Effective for plan years beginning after Jan. 30, 1997, HIPAA changes that by existing enumees to make individual coverage available to eligible individuals and not to impose any preexisting condition exclusions with respect to the coverage. A qualified beneficiary may now shop the market for the best coverage for the best price without worrying about preexisting conditions.

Conversion coverage under COBRA. Under COBRA, a plan must offer qualified beneficiaries the option to the expiration of COBRA continuation coverage in a conversion health plan if such a plan is generally available under state law and offered to active participants. If available, the plan must provide this option during the 180-day period ending on the date that coverage would expire. However, the employer is not required to add a conversion option if it is not required under state law. Also, if COBRA coverage terminates due to an event other than the expiration of the maximum coverage period, the employer or plan administrator is not obligated to offer a conversion option. Currently, 40 states have conversion laws on their books. See state law section for specific law beginning at §115.043.

Guaranteed right to individual coverage. Under HIPAA, each health insurer that offers health insurance in the individual market in a state may not, with respect to an eligible individual desiring to enroll in individual health coverage, refuse to offer such coverage or impose any preexisting condition exclusion in such coverage. An eligible individual includes an individual who:

1. has creditable coverage of 18 or more months under a group health plan,
2. is not eligible for coverage under a group health plan, Medicare or Medicaid,
3. if entitled to COBRA, has elected COBRA continuation coverage, and

Statutes and Regulations

Annotated codes to find interpretive cases.
American Law Reports (ALR)

Case Finding Tool
Provides:
- historical background;
- citations to primary sources;
- structure/organization
Available on Westlaw
Case Finding - Digests

Digest Searches
Useful for finding cases under legal concepts and principles.
Brings together cases with a variety of fact situations.

Digest Searching on Westlaw

Digest topic: Health
Key Number: 470 (which stands for)
Government assistance
— Medical assistance in general, Medicaid
— Eligibility for benefits
— Aliens
Write as 198Hk470 in Westlaw searches
### Full Text Searching

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<tr>
<th>Terms and Connectors</th>
<th>Relevancy Ranking</th>
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<tr>
<td>Search words</td>
<td>Search words</td>
</tr>
<tr>
<td>Combined with Boolean connectors</td>
<td>Weighted according to algorithms</td>
</tr>
<tr>
<td>To find <strong>all</strong> exact matches</td>
<td>To find “most” relevant based on ranking criteria</td>
</tr>
</tbody>
</table>

### Terms and Connectors

- **Connectors**
  - Alternatives “or”
  - Conjunctions
    - Joining: “and” “&”
    - Proximity: w/# /#
    - Ordered Proximity: pre/# +#
    - Grammatical: /s /p
  - Exclusions “but not”

- When you need everything using particular terms
- When terms are unique
- When you want to include a field search
- When you need to know how many cases use these terms
Relevancy Ranking

Westlaw and Lexis call it -- Natural Language

When you don’t know much about a subject
When you don’t want just a casual mention
When you are willing to take a close match
When you need an extensive discussion

Updating

Do you have the latest information?

Check dates whether print or online.

Citator Services – KeyCite and Shepard's
When to Stop

Don't stop too soon

Don't waste your time

Any Questions?

Reference Librarians are on duty:

Monday - Thursday    9:00 - 8:00
Friday                9:00 - 5:00
Saturday and Sunday  1:00 - 5:00

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