

PUBLIC HEALTH LAW AND ETHICS

Course number 6421 (3 credit hours)

2018 Summer Term A: May 14 -- June 22

T/Th: 5:30pm – 9:40pm

Room: HPNP G301A

Instructors: Kari Aasheim, JD & Brian Boelens, JD

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Office hours: After class or by appointment

Required Texts:

- 1. Taking Sides: Clashing Views on Bioethical Issues, 15th edition, Gregory Kaebnick, ISBN 978-0-07-813949.**
- 2. Course packet of legal and ethical cases (distributed electronically)**

COURSE OBJECTIVES:

The health of citizens is a fundamental tenet of American government. Federal, state and local government actions that aim to protect the public's health may infringe upon the rights given to individuals by the U.S. Constitution. This course will examine through practical examples and case studies the legal and ethical boundaries governing legislators, lawyers, judges, public health authorities and juries contemplating a variety of government actions aimed at protecting public health. The course will examine the legal foundations of the American public health system as well as the legal and ethical issues that arise from balancing individual liberties with the government's interest in protecting all citizens' wellbeing.

After completing this course, students should have the ability to understand the structure and operations of the public health system, understand the continually evolving role of government, community and citizens in public health law and understand how the judicial process attempts to resolve conflicts between individual liberties and the government's interest in public health for all citizens. The course will utilize actual federal and state court decisions from a variety of public health tort litigation settings to give students exposure to many important public health legal and ethical issues including health promotion and communication, infectious disease control, immunization testing and screening, drugs and society and the regulation of businesses and professions.

This course will begin with an overview of how the American government system works by discussing the concept of separation of powers in the context of constitutional amendments designed to improve the tort litigation system. After a gaining a general understanding of how the legal system functions, students will then read, discuss and debate court decisions and ethical issues involving the important topics of public health theory and practice. Students will leave the course understanding how the legal system

addresses public health legal and ethical issues and be equipped with the knowledge and skills necessary to impact the field of public health.

COURSE REQUIREMENTS:

The course is three (3) credit hours and meets two times a week on Tuesday and Thursday from X pm to X pm. Class discussions and debate will require thought and consideration of the assigned readings before class. Students will participate actively in the course and will gain assessment, analysis and advocacy skills. Due to the high value placed on participation and discussion, 10% of your final grade depends upon your class attendance and participation. Each student will also choose a topic that is approved by the instructor to present during class. The presentation should include citations and will count for 25% of the final grade. Additionally, there will be a mid-term exam during class that will count for 25% of your final grade. The final exam will be during class and counts for 40% of your final grade.

Class participation	= 10%
Midterm exam	= 25%
Presentation	= 25%
Final exam	= 40%

An optional extra credit paper examining a topic in public health law and ethics of the students' choice and approved by the professor will also be made available to interested students. The 8 to 10 page paper should include scholarly citations and will count for 25% of the final grade. Students who select the extra credit paper may either choose the paper to replace 25% of their midterm exam or 25% of their final exam grade thereby making one exam worth 15%. Students must take both the midterm and final exam.

ASSIGNED READINGS¹

WEEK ONE: INTRODUCTION TO PUBLIC HEALTH LAW AND ETHICS

5/15: Introduction to the American Legal System: Federalism, Police Powers of States, and Constitutional Individual Rights

Course Packet: US Constitution and Separation of Powers
Introduction of how to FIRAC a case

Law: Jacobson v. Massachusetts: The scope of police powers

Ethics: Issue 19: Should vaccination for HPV be mandated for teenage girls?

5/17: State Police Powers v. Individual Rights

Law: Jew Ho v. Williamson: Limits on police powers

Ethics: Issue 16: Is an individual mandate to purchase health insurance fair?

Issue 17: Is there an ethical duty to provide health care for all immigrants to the United States?

WEEK TWO: LEGAL AND ETHICAL ISSUES OF PUBLIC HEALTH PROMOTION AND COMMUNICATION

5/22: Legal and Ethical Issues of Public Health Promotion and Communication

Law: Benning v. Vermont: Gov't regulation of harmful behavior

Ethics: Issue 14: May doctors offer medical drugs and surgery to stop a disabled child from maturing?

Issue 13: Should performance-enhancing drugs be banned from sports?

5/24: Legal and Ethical Issues of Public Health Promotion and communication

Law: Deshaney v. Winnebago: Limitations on government responsibilities

Ethics: Issue 6: Should physicians be allowed to assist in patient suicide?

Issue 12: Is using medical tools to enhance human beings morally troubling?

¹ Note that this topical course schedule is subject to change as the instructors see fit in order to adapt to student interests and evolving current events.

WEEK THREE: MIDTERM APPLICATION OF LEARNINGS AND MIDTERM EXAM

**5/29: Application of Public Health Law and Ethics to Current Events/
Course Mid-Term Review**

5/31: Midterm Exam (In Class)

WEEK FOUR: PUBLIC HEALTH REGULATION OF BUSINESSES AND PROFESSIONS

6/5: Public Health Regulation of Businesses and Professions

Law: Dent v. West Virginia: Public health agencies' regulatory powers of professions

Ethics: Issue 11: Should pharmacists be allowed to deny prescriptions on the grounds of conscience?

Issue 20: Should there be a market in human organs?

6/7: Public Health Regulation of Businesses and Professions

Law: South Dakota v. Dole: Federal gov't power to influence states and private behavior using the power to tax and spend

Ethics: Issue 10: Should physicians be allowed to participate in executions?

WEEK FIVE: PUBLIC HEALTH LEGAL AND ETHICAL ISSUES OF DRUGS, INFECTIOUS DISEASE AND SOCIETY

6/12: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

Law: Ferguson v. City of Charleston: Drug testing, screening, and special needs doctrine

Ethics: Issue 9: Should a pregnant woman be punished for exposing her fetus to risk?

Issue 14: Handout: Should mothers infected with AIDS virus breastfeed?

6/14: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

Law: Brown v. Stone: Vaccination objections and religious exceptions

Ethics: Issue 2: May surrogate decision makers terminate care for a person in a persistent vegetative state?

Issue 3: Should adolescents be allowed to make their own life and death decisions?

WEEK SIX: APPLICATION OF LAW AND ETHICS COURSE LEARNINGS

6/19: Presentations

6/21: Final Exam (In Class)