

University of Florida
College of Public Health & Health Professions
PHC 6421: Public Health Law & Ethics (3 Credits)
Semester: Summer A 2021
Delivery Format: Hyflex (Room 3114 & Online)

Instructor: Brian Boelens, JD
Date & Time: Tuesdays & Thursdays 5:00-8:00 P.M.
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Office Hours: Before or after class, or by appointment
Preferred Course Communications: Email

Prerequisites: Enrollment in the MPH program, or consent of the instructor.

Course Overview

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. 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 professor to present during class. The presentation should include citations and will count for 25% of the final grade. Additionally, there will be a midterm 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.

Weekly 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. Students must take both the midterm and final exam.

DESCRIPTION OF COURSE CONTENT

Assigned Readings and Class Schedules: The assigned readings should be completed by the start of class as the class discussions will build upon the material from the law and ethics and will require student participation at a level only possible by reading the materials before class.

Course Materials

Course packet of legal and ethical cases will be provided on e-Learning.

ASSIGNED READINGS¹

WEEK ONE: INTRODUCTION TO PUBLIC HEALTH LAW AND ETHICS

5/11: 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: Should COVID-19 vaccines be mandatory for all U.S. citizens and residents?

5/13: State Police Powers v. Individual Rights

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

Ethics: Should the U.S. government issue vaccine passports?

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

5/18: Legal and Ethical Issues of Public Health Promotion and Communication

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

Ethics: Should performance-enhancing drugs be banned from sports?

5/20: Legal and Ethical Issues of Public Health Promotion and communication

Law: Deshaney v. Winnebago: Limitations on government responsibilities

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

WEEK THREE: MIDTERM APPLICATION OF LEARNINGS AND MIDTERM EXAM

5/25: Application of Public Health Law and Ethics to Current Events/ Course Mid-Term Review

Ethics: Should there be a market in human organs?

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

5/27: Midterm Exam!

WEEK FOUR: PUBLIC HEALTH REGULATION OF BUSINESSES AND PROFESSIONS

6/1: Public Health Regulation of Businesses and Professions

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

Ethics: Should health professionals be allowed to deny prescriptions or treatment on the grounds of conscience?

6/3: 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: Should the drinking age be lowered?

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

6/8: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

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

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

6/10: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

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

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

WEEK SIX: APPLICATION OF LAW AND ETHICS COURSE LEARNINGS

6/15: Final Exam!

6/17: Presentations

ACADEMIC REQUIREMENTS AND GRADING

Attendance and Participation

Each class meeting will consist of discussion about the assigned topic, the readings and student opinions. I expect students to engage in discussion and debate with their fellow students. Therefore, it is mandatory that you attend class. Due to the high value placed on participation, class discussion will constitute 10% of your grade. Participation will be based on the quality of your comments during general class discussion as well as on the presentation of any other assignments described below. Quality participation is demonstrated through an understanding of the assigned readings and exercises and contributions to the learning experience of other members of the

Grading

Grading for all written assignments will be based on the quality of your reasoning, the coherency of your arguments, and the clarity with which you present your position. Excellent spelling and syntax are expected. All late assignments will be penalized; substantially late assignments will not be accepted.

Point system used (*i.e.*, how do course points translate into letter grades).

Example:

Points earned	93-100	90-92	87-89	83-86	80-82	77-79	73-76	70-72	67-69	63-66	60-62	Below 60
Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E

Please be aware that a C- is not an acceptable grade for graduate students. The GPA for graduate students must be 3.0 based on 5000 level courses and above to graduate. A grade of C counts toward a graduate degree only if based on credits in courses numbered 5000 or higher that have been earned with a B+ or higher.

Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E	WF	I	NG	S-U
Grade Points	4.0	3.67	3.33	3.0	2.67	2.33	2.0	1.67	1.33	1.0	0.67	0.0	0.0	0.0	0.0	0.0

More information on UF grading policy may be found at:

<http://gradcatalog.ufl.edu/content.php?catoid=10&navoid=2020#grades>

Exam Policy:

The exams will be closed book. Students will have the three hours to take the exam. Students who have attended class, read and understood the course readings/discussions, and diligently studied the course material throughout the semester will be prepared for the exams.

Policy Related to Make up Exams or Other Work:

As a graduate level course, make up exams and late assignments will not be accepted, absent extreme circumstances. Prior approvals are also required unless impossible as well as appropriate documentation of the emergency causing the conflict. Late assignments not meeting the above criteria will not be accepted or graded.

Policy Related to Required Class Attendance

Please note, all faculty are bound by the UF policy for excused absences. Excused absences must be consistent with university policies in the Graduate Catalog (<http://gradcatalog.ufl.edu/content.php?catoid=10&navoid=2020#attendance>). Additional information can be found here: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

Online Synchronous:

Our class sessions will be audio visually recorded for students in the class to refer back and for enrolled students who are unable to attend live. Students who participate with their camera engaged or utilize a profile image are agreeing to have their video or image recorded. If you are unwilling to consent to have your profile or video image recorded, be sure to keep your camera off and do not use a profile image. Likewise, students who unmute during class and participate orally are agreeing to have their voices recorded. If you are not willing to consent to have your voice recorded during class, you will need to keep your mute button activated and communicate exclusively using the "chat" feature, which allows students to type questions and comments live. The chat will not be recorded or shared. As in all courses, unauthorized recording and unauthorized sharing of recorded materials is prohibited.

STUDENT EXPECTATIONS, ROLES, AND OPPORTUNITIES FOR INPUT

Expectations Regarding Course Behavior

Active participation in each class is expected. Students who participate in an informed, considerate manner receive credit toward their participation grade for the course. Cell phone use, browsing memes, and shopping for great deals during class is strongly discouraged. The course is designed to facilitate frequent debate, challenge viewpoints, and provide public speaking confidence. This requires genuine listening, respect for opposing viewpoints, and a willingness to disagree gracefully. Students who exhibit contrary behavior will be asked to leave class for the class period.

Communication Guidelines

For course questions, please email the instructor or see the instructor immediately after class. If the inquiry requires significant time, the instructor will arrange time to meet with the student before the next class week.

Academic Integrity

Students are expected to act in accordance with the University of Florida policy on academic integrity. As a student at the University of Florida, you have committed yourself to uphold the Honor Code, which includes the following pledge:

“We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity.”

You are expected to exhibit behavior consistent with this commitment to the UF academic community, and on all work submitted for credit at the University of Florida, the following pledge is either required or implied:

“On my honor, I have neither given nor received unauthorized aid in doing this assignment.”

It is your individual responsibility to know and comply with all university policies and procedures regarding academic integrity and the Student Honor Code. Violations of the Honor Code at the University of Florida will not be tolerated. Violations will be reported to the Dean of Students Office for consideration of disciplinary action. For additional information regarding Academic Integrity, please see Student Conduct and Honor Code or the Graduate Student Website for additional details:

<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>

<http://gradschool.ufl.edu/students/introduction.html>

Please remember cheating, lying, misrepresentation, or plagiarism in any form is unacceptable and inexcusable behavior.

Online Faculty Course Evaluation Process

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

UF Policy Related to Guests Attending Class:

Only registered students are permitted to attend class. However, we recognize that students who are caretakers may face occasional unexpected challenges creating attendance barriers. Therefore, by exception, a department chair or his or her designee (e.g., instructors) may grant a student permission to bring a guest(s) for a total of two class sessions per semester. This is two sessions total across all courses. No further extensions will be granted. Please note that guests are **not** permitted to attend either cadaver or wet labs. Students are responsible for course material regardless of attendance. For additional information, please

review the Classroom Guests of Students policy in its entirety. Link to full policy: <http://facstaff.phhp.ufl.edu/services/resourceguide/getstarted.htm>

SUPPORT SERVICES

Accommodations for Students with Disabilities

If you require classroom accommodation because of a disability, you must register with the Dean of Students Office <http://www.dso.ufl.edu> within the first week of class. The Dean of Students Office will provide documentation to you, which you then give to the instructor when requesting accommodation. The College is committed to providing reasonable accommodations to assist students in their coursework.

Counseling and Student Health

Students sometimes experience stress from academic expectations and/or personal and interpersonal issues that may interfere with their academic performance. If you find yourself facing issues that have the potential to or are already negatively affecting your coursework, you are encouraged to talk with an instructor and/or seek help through University resources available to you.

- The Counseling and Wellness Center 352-392-1575 offers a variety of support services such as psychological assessment and intervention and assistance for math and test anxiety. Visit their web site for more information: <http://www.counseling.ufl.edu>. Online and in person assistance is available.
- You Matter We Care website: <http://www.umatter.ufl.edu/>. If you are feeling overwhelmed or stressed, you can reach out for help through the You Matter We Care website, which is staffed by Dean of Students and Counseling Center personnel.
- The Student Health Care Center at Shands is a satellite clinic of the main Student Health Care Center located on Fletcher Drive on campus. Student Health at Shands offers a variety of clinical services. The clinic is located on the second floor of the Dental Tower in the Health Science Center. For more information, contact the clinic at 392-0627 or check out the web site at: <https://shcc.ufl.edu/>
- Crisis intervention is always available 24/7 from:
- Alachua County Crisis Center: (352) 264-6789

<http://www.alachuacounty.us/DEPTS/CSS/CRISISCENTER/Pages/CrisisCenter.aspx>

Do not wait until you reach a crisis to come in and talk with us. We have helped many students through stressful situations impacting their academic performance. You are not alone so do not be afraid to ask for assistance.

Inclusive Learning Environment

Public health and health professions are based on the belief in human dignity and on respect for the individual. As we share our personal beliefs inside or outside of the classroom, it is always with the understanding that we value and respect diversity of background, experience, and opinion, where every individual feels valued. We believe in, and promote, openness and tolerance of differences in ethnicity and culture, and we respect differing personal, spiritual, religious and political values. We further believe that celebrating such diversity enriches the quality of the educational experiences we provide our students and enhances our own personal and professional relationships. We embrace The University of Florida's Non-Discrimination Policy, which reads, "The University shall actively promote equal opportunity policies and practices conforming to laws against discrimination. The University is committed to non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, gender identity and expression, marital status, national origin, political opinions or affiliations, genetic information and veteran status as protected under the Vietnam Era Veterans' Readjustment Assistance Act." If you have questions or concerns about your rights and responsibilities for inclusive learning environment, please see your instructor or refer to the Office of Multicultural & Diversity Affairs website: www.multicultural.ufl.edu
