

PUBLIC HEALTH LAW AND ETHICS

Course number 6937 (3 credit hours)

Summer Term A, 2013, May 14-June 19

Tuesdays and Wednesdays 5:15-9:15pm, Room G-312

Instructor: Phillip M. Cox II, Esq.

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Office hours: After class or by appointment

Required Texts:

Taking Sides: Clashing Views in Health and Society, 8th edition, Eileen Daniel, ISBN 978-0-07-339723-8.

Taking Sides: Clashing Views in Drugs and Society, 8th edition, Raymond Goldberg, ISBN: 978-0-07-351511-3.

Course packet of legal and ethical cases (distributed at first class)

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 legislators, lawyers, judges, juries and public health authorities 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' well-being.

By completing this course, a student will have examined structures and operations found within the public health system and gain a working understanding of the continually evolving role of government, community and citizens in public health law. The students will be able to recognize how the judicial process attempts to resolve conflicts between individual liberties and the government's interest in public health for all citizens. The course utilizes actual federal and state court decisions from a variety of public health 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 Federalism, 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 comprehending 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 twice a week on Tuesdays and Wednesdays from 5:15pm-9:15pm. 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 very high value I place on participation and discussion, 15% of your final grade depends upon your class attendance and participation. Additionally, there will be a mid-term exam during class which counts for 40% of your final grade. The final exam will be during class and counts for 40% of your final grade. There will also be in-class assignments/quizzes that will each be worth 10% of your final grade.

In Class Assignments = 10%

Class participation = 10%

Midterm exam = 40%

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 8-10 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 READINGS:

WEEK 1: May 14 and 15: INTRODUCTION and INFECTIOUS DISEASE CONTROL

May 14: Introduction to Public Health Law and Ethics

Introduction to the American Legal System: Constitutional amendments and separation of powers
Introduction of how to FIRAC a case

May 15: Legal and Ethical Aspects of Infectious Disease Control:

Law: Jacobson v. Massachusetts: Police Powers and Public Health

Jew Ho v. Williamson: Limits on Police Powers: Prejudice

Ethics: Handout Bioethics: Issue 21- Should Public Health Override Powers over Individual Liberty in Combating Bioterrorism

Handout Nutrition: Issue 14: Should mothers' infected with AIDS virus breastfeed

WEEK TWO: May 21 and 22: HEALTH PROMOTION AND COMMUNICATION

May 21: Legal and Ethics Aspects of Health Promotion and Communication

Law: Greene v. Edwards- Protecting individual rights and due process

Benning v. Vermont- Government regulation of harmful behavior

Deshaney v. Winnebago-Limitations on government responsibilities

Rubin v. Coors Brewing Company- Evolution of commercial speech: close scrutiny

Ethics: Handout Bioethics: Issue 16- Should Federally Funded Healthcare Be Tied to Following Doctor's Orders (CLASS)

Health Text: Issue 1: Should Purchasing Health Insurance Be Mandatory (GROUP 1)

Health Text: Issue 2: Should Life Sustaining

Medical Care be Rationed Based on Age

(GROUP 2)

Health Text: Issue 3: Is medical debt a major contributor to personal bankruptcy (CLASS) 4

May 22: Legal and Ethical Aspects of Health Promotion and Communication
5:15-7:15: Applied Legal and Ethical Learning: In-Class Video for Midterm Short Answer Question

Ethics:

Handout Nutrition: Issue 14: Should Mothers'

Infected with AIDS virus breastfeed (CLASS)

Health Text: Issue 12: Is it necessary for pregnant women to abstain from all alcohol (GROUP 3)

Health Text: Issue 16- Will Global Warming Negatively Impact Human Health (GROUP 4)

WEEK THREE: May 28 and 29: NUTRITION AND FOOD POLICY

May 29: Legal and Ethical Aspects of Nutrition and Food Policy

Law: International Dairy Foods v. Amestoy: Compelled commercial speech

Ethics: Handout Nutrition: Issue 13: Does widespread hunger exist in America (CLASS)

Handout Nutrition: Issue 15: Is organically grown food better than community grown food (GROUP 5)

Health Text: Issue 17- Is it Safe to Consume Genetically Engineered Foods (GROUP 6)

Handout Nutrition: Issue 9: Do campaigns induce communities to change diets and improve health (CLASS)

Health Text: Issue 18: Does obesity cause a decline in life expectancy (GROUP 7)

May 29: MIDTERM EXAM IN CLASS (5:15-8:15)

WEEK FOUR: June 4 and 5: REGULATION OF BUSINESSES AND PROFESSIONS

June 4: Legal and Ethical Aspects of Regulating Businesses and Professions

Law: Dent v. West Virginia: Public health agencies' regulatory powers of professions, licenses, and permits

South Dakota v. Dole: Federal government's power to influence state and private behavior via the power to tax and spend

Ethics: Health Text: Issue 4: Is the Pharmaceutical industry responsible for the high cost of drugs (CLASS)

Health Text: Issue 5: Drug testing and the workplace (GROUP 1)

Health Text: Issue 6: Should doctors help terminally ill patients commit suicide (CLASS)

June 5: Legal and Ethical Aspects of Regulating Businesses and Professions

Law: New York v. New Saint Mark's Baths: Power to abate public nuisances

Ethics: Health Text: Issue 7: Should the government regulate the sale, advertisement, and distribution of junk food (CLASS)

Health Text: Issue 13: Should pro-life providers be allowed to deny prescriptions because of conscience (GROUP 2)

Handout Bioethics: Issue 19: Should there be a free market in body parts (GROUP 3)

Drug Text: Issue 17: Should schools drug test children (CLASS) 6

WEEK FIVE: June 11 and 12: DRUGS AND SOCIETY

June 11: The Legal and Ethical Aspects of Drugs and Society

Law: Boreali v. Axelrod: Legislature v. health department: right to make policy re: public places

Whalen v. Roe: Drugs, surveillance and health information privacy

Ethics: Drug Text: Issue 10: Are Psychotherapeutic Drugs

Over-Prescribed for Treating Mental Illness?

(GROUP 4)

Drug Text: Issue 3: Are Drinking age laws effective

(CLASS)

Drug Text: Issue 16: Should Marijuana be approved

For Medical Use (CLASS)

Drug Text: Issue 9: Should laws prohibiting marijuana use be relaxed (CLASS)

June 12: The Legal and Ethical Aspects of Drugs and Society

Law: Ferguson v. City of Charleston: Drug Testing, Screening, and the Special Needs Doctrine

Ethics: Drug Text: Issue 11: Do the Consequences of

Caffeine Outweigh Its Benefits? (CLASS)

Drug Text: Issue 12: Should School-Age Children

With ADHD Be Treated with Ritalin and Other Stimulants? (GROUP 5)

Drug Text: Issue 13: Do Consumers Benefit When

Prescription Drugs Are Advertised? (CLASS)

Drug Text: Issue 5: Should Pregnant Drug Users Be Prosecuted? (CLASS)

WEEK SIX: June 18 and 19: IMMUNIZATION, TESTING AND SCREENING

******Optional Paper due by NOON Monday June 17 in faculty mailbox. No late papers accepted.**

June 18: The Legal and Ethical Aspects of Immunization, Testing and Screening

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

Ethics: Health Text: Issue 8: Should race play a role in the treatment and study of disease (GROUP 6)

Health Text: Issue 9: Should embryonic stem cell research be permitted (GROUP 7)

Health Text: Issue 10: Should addiction and drugs be labeled a brain disease (CLASS)

Health Text Issue 14: Should parents be allowed to opt out of vaccinating their children (CLASS)

June 19: FINAL EXAM (5:15-8:15pm)