PH856 Law and Ethics in Public Health Policy Development

Boston University School of Public Health

Spring 2018
April 6 – May 4

Instructor: Lora Sabin, MA, PhD
Associate Professor
BUSPH, Department of Global Health
Crosstown 3rd Floor, Room #388
Boston, MA 02118
(617) 414-1272
lsabin@bu.edu

Office Hours: Available by appointment

Course Meeting Times: Fridays, 9 – 2:30 pm*

Course Location: Crosstown, 4th Floor, Room #446 (CHS conference room)

*With changes to be made depending on needs/availability of students and instructor.

Course Rationale and Description. Successful program and policy development often involve complicated ethical, legal, and policy-related issues. Students intending to be engaged in public health decision-making should be aware of these issues and comfortable considering and discussing them. The purpose of this course is to help students learn to examine and analyze the ethical and legal principles that should underpin public health decision-making and leadership, both in the U.S. and in global contexts. We will consider a range of different issues in the course, including: a) police power vs. individual freedom; b) the ethical issues related to compelling health-promoting behavior change; and c) fairness and equity related to climate change and other environmental crises. In order to strengthen skills related to discussing these issues, each student will be asked to lead class discussions in two short sessions. The course will mainly use group discussions, with occasional use of PPT slides. We will also have guest lecturers who are experts in their fields.

Course Goals
Students will acquire the knowledge and skills needed to critically analyze the ethical and legal arguments that should be considered before making decisions on programs and policies. They will also gain skills in leading discussions around these issues.

Learning Objectives
Students completing the course will be able to:

1. Discuss the major ethical, legal, and human rights principles relevant to public health policy-making, both in the U.S. and in other settings.
2. Apply relevant ethical, legal, and human rights principles to difficult and controversial public health decision-making.
3. Articulate clearly ethical and legal principles in the course of discussions or debates about public health policy.
4. Lead discussions that highlight and analyze the ethical, legal, and human rights ethics that bear on public health decision-making.

Communication
Feel free to email Lora anytime with questions or issues relating to the course or attendance: lsabin@bu.edu.

Use of cell phones and laptops in class
Open laptops during class can be very distracting—for both students and myself. Therefore, I ask that you refrain from using a laptop during our discussions, unless you are referring to course documents on your laptop. Thank you in advance for adhering to this rule. Also, please be sure to set aside or turn off your cell phones during class.

Readings
All readings will be publicly available. Most links are in the syllabus. Other notes and readings will be posted on Blackboard at least one week ahead of the session for which the readings are assigned. During the course, we may also decide as a group to add readings. If students have any problem accessing an assigned reading, please be in touch with Lora.

Student Evaluation
Student grades will be based on the following items (see below for more details on each assignment):

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadership of case discussion</td>
<td>30%</td>
</tr>
<tr>
<td>Final paper, due by Monday, May 7, 5 pm.</td>
<td>50%</td>
</tr>
<tr>
<td>Class participation</td>
<td>20%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
</tbody>
</table>

Leadership of case discussion
Each student will be expected to lead one discussion during the course. These will be discussions during Sessions 3-7 of the course. Most sessions will be comprised of a major topic, with two sub-topics containing cases or problems for discussion. For each of these sub-topics, one student will lead a roughly one-hour (or perhaps a little longer) discussion. Discussion questions will be sent to the entire class and instructor at least 24 hours in advance of the course meeting. At our first class, we will allocate the sessions to students, with students expressing a preference for the session they would like to lead.

Final paper
Each student will write a final paper, due on or before Monday, May 7th, at 5 pm. Students may choose the topic for which they led a discussion, and may use and build on the opinions, arguments, and debates that were expressed during the class session, or may choose another topic. The paper should be 10-12 pages, double spaced (5-6 pages, single spaced). Students will use the ethics framework presented in Kass, “An Ethics Framework for Public Health” assigned for Week 1, or another framework, as they discuss the relevant ethical issues of their chosen topic. This should include addressing the following questions/issues: what are the public health goals of the program in question (or legislation/policy)? How effective is the program in achieving its stated goals? What are the known or potential burdens of the program? Can burdens
be minimized? Are alternatives available? Is the program implemented fairly? How can benefits and burdens of the program be fairly balanced (or more fairly balanced)?

Class participation
This is a small doctoral level seminar course, and the content and quality of our discussions will depend critically on students’ level of preparedness and ability to contribute to the discussions in meaningful ways. With such a diverse and ambitious set of readings and assignments, and the focus of the course on class discussion informed by the readings, it is vital that students do all the readings in advance of class. Students are expected to contribute to class discussions in a thoughtful and respectful fashion, keeping in mind the goal of letting everyone have a voice and express their views and opinions. Such class participation should help prepare you for similar discussions you will have with professional colleagues in the future.

Academic and Professional Conduct
Academic misconduct is any intentional act or omission by a student that misrepresents his or her academic achievements, or any attempt to misrepresent his or her academic achievements. The following acts constitute academic misconduct:

- Cheating on examinations
- Plagiarism
- Misrepresentation or falsification of data
- Submitting the same work in more than one course
- Allowing another student to represent your work as his or her own

We are required to bring charges of academic misconduct to the attention of the Associate Dean for Academic Affairs who will review all such cases and decide upon an appropriate action. A student who is found guilty of academic misconduct may be subject to disciplinary action, up to and including dismissal from the School. We hope that this information will be completely irrelevant to this class!

We also believe in personal honesty and expect that if a student must be late to class, miss class, or cannot fulfill the assignments of this course in a timely manner, the student will be forthright about the reasons for these issues to the instructor and fellow students.
## Course topics

<table>
<thead>
<tr>
<th>Session</th>
<th>Date*</th>
<th>Topic</th>
<th>Facilitator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>April 6</td>
<td>Introduction to ethics and law in public health</td>
<td>Lora</td>
</tr>
<tr>
<td>2</td>
<td>April 6</td>
<td>Human rights and health</td>
<td>Michael Grodin, Dept of Health Law, Policy &amp; Management</td>
</tr>
<tr>
<td>3</td>
<td>April 20</td>
<td>State power and freedom of the individual</td>
<td>tbd</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Thanksgiving break</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>April 20</td>
<td>Public health screening and testing</td>
<td>tbd</td>
</tr>
<tr>
<td>5</td>
<td>tbd</td>
<td>Changing behavior: ethical and legal issues</td>
<td>tbd</td>
</tr>
<tr>
<td>6</td>
<td>May 4</td>
<td>Public health and use of scarce resources</td>
<td>tbd</td>
</tr>
<tr>
<td>7</td>
<td>May 4</td>
<td>Environmental justice</td>
<td>tbd</td>
</tr>
</tbody>
</table>

*Changes to be made by mutual agreement of students and instructor. Tentatively:
Session 1/2: April 6.
Session 5: tbd.
Session 6/7: May 4.
Session 1.  
Introduction to Ethics and Law in Public Health
Friday, March 16th

In this first class session we will discuss the development of public health ethics as a field and review the basic structure and function of the American legal system. We will also discuss ethical issues in conducting human subjects research.

Objectives
After this session, students will be able to:

• Describe ethical principles relevant to public health policy;
• Create arguments to apply the various ethical principles in trying to resolve a public health issue;
• Describe and analyze ethical issues in conducting human subjects research, including issues that arise in global public health research.

Required readings (before class)

• Leonard H. Glantz. Introduction to the Structure and Function of American Law. (You can skim this, but please make sure you are clear on the basic points in the paper.) Available on Blackboard.
• A. Walsh et al. "The way the country has been carved up by researchers": ethics and power in north-south public health research. Int J Equity Health. Dec 12, 2016. Vol 12, No. 1. Available at: https://www.ncbi.nlm.nih.gov/pubmed/27955670

Recommended readings

• Sandro Galea. On Knowledge and Values. Dean’s note. Posted on October 16, 2016. Available at: https://www.bu.edu/sph/2016/10/16/on-knowledge-and-values/

Session 2  
Human Rights and Health
Friday, March 23rd

Profession Michael Grodin from the Department of Law, Policy, and Management will lead the class discussion. This session will focus on the development of modern human rights, the formal declarations that articulate these rights, the connection between health and human rights, and the meaning and limits of the “right to health.”

Objectives
After this session, students will be able to:

• Describe the history, sources, documents, and enforceability of modern human rights;
• Articulate the differences between the UDHR, ICCPR, ICESCR, CEDAW, CRC, CERD, and CAT;
• Discuss the inextricable link between health and human rights;
• Discuss the source, nature, scope, and limits of the “Right to Health.”

Required readings (before class)

Recommended Readings

Friday, March 30th

In this session, we explore issues in balancing the power of the state ("police power") and the freedom of the individual. We will focus on issues around two topics: a) vaccinations and b) quarantine (isolation).

Objectives
After this session, students will be able to:
• Describe the origin and limits of “police power;”
• Discuss the ethical tensions that exist between community needs and individual freedom;
• Describe the constitutional issues that arise with mandatory vaccination and isolation;
• Apply the standards of “procedural due process” to the situation of infectious diseases.

Required readings (before class)
And:
  a) Vaccinations:
    o Amanda Marcotte. Why do rich people refuse to vaccinate their kids? *Slate*. August 14, 2013. Available at: [http://www.slate.com/blogs/xx_factor/2013/08/14/rich_kids_and_vaccination_is_not_vaccinating_your_child_a_new_status_symbol.html](http://www.slate.com/blogs/xx_factor/2013/08/14/rich_kids_and_vaccination_is_not_vaccinating_your_child_a_new_status_symbol.html)
b) Quarantine (isolation)

**Recommended readings**


………………………………

**Session 4. Public Health Screening and Testing**

**Friday, April 6th**

In this session, we focus on the human rights and ethical issues related to surveillance, screening, and testing. Our two main topics are: a) mammogram screening and b) HIV prevention.

**Objectives**

After this session, students will be able to:

- Articulate the conflicts between privacy and surveillance;
- Argue for and against the use of surveillance systems depending on the particular public health matter in question;
- Apply legal and ethical rules to the creation and regulation of surveillance and screening programs.

**Required readings (before class)**


And:

a) Mammogram screening:

b) HIV prevention:
   - Carla M. Obermeyer et al. HIV testing and care in Burkina Faso, Kenya, Malawi and Uganda: ethics on the ground. *BMC International Health & Human Rights*. 
Recommended readings


Session 5. Changing Behavior: Ethical and Legal Issues

Friday, April 13th

This session will focus on policy efforts to change behavior. We consider both a) non-smoking hiring policies and b) workplace programs designed to improve health among employees.

Objectives

After this session, students will be able to:

- Analyze the appropriateness of using coercive or paternalistic measures to change behaviors;
- Analyze the role of “truth-telling” in public health campaigns to change behavior;
- Argue whether the goal of public health is a compliant or informed population.

Required readings (before class)

- Gary Taubes. Do We Really Know What Makes Us Healthy? The New York Times Magazine. Sept 16, 2007. Available on Blackboard. (This is somewhat dense, but has good information on scientific advancements and public health policy. Think of it as having good background info on this topic.)

And:

a) Non-smoking hiring policies


b) Health-promoting workplace programs


Recommended readings

Session 6. Public Health and Use of Scarce Resources
Friday, April 20th

This session will focus on how policy decisions are made to recommend, encourage, or provide certain services or procedures, including vaccinations and treatment for diseases and conditions.

Objectives
After this session, students will be able to:
- Describe the tensions between access to health resources and the use of scarce resources;
- Articulate arguments for scaling up provision of treatment and for various allocation approaches;
- Analyze issues related to recommendations for a specific vaccination.

Required readings (before class)
  http://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0159086&type=printable
And:
  a. Provision of treatment
  b. Vaccination and the value of a life
Recommended readings


Session 7. Environmental justice
Friday, May 4th

In this last session, we concentrate on questions of environmental justice and equity. We will discuss issues related to a) climate change and b) access to clean water.

Objectives
After this session, students will be able to:

- Analyze environmental justice as related to climate change;
- Describe an instance of an environmental crisis in the US, and the pros and cons of attempts to address it;
- Articulate the arguments for and against clean water as a human right.

Required readings (before class)


And:

a. Climate change

b. Access to clean water