



Instructor Information

Course title and number: PHPM 633: Health Law & Ethics
 Term: Fall 2017
 Meeting times and location: Tuesdays 9:35 a.m. – 12:35 p.m.
 School of Public Health (SPH Classroom Building, 110)
 Instructor: Alva O. Ferdinand, DrPH, JD
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 Email address: ferdinand@tamhsc.edu
 Office hours: By appointment
 Office location: Room 132, School of Public Health (SPH) Administration Building

Course Description

Health Law & Ethics (PHPM 633) is an introductory course in public health law designed for students pursuing a graduate degree and career in public health. The purpose of the course is to introduce non-lawyers to the United States legal system and to the basic principles of law relevant to public health practitioners. Students will be equipped with basic knowledge to assist them in thinking and communicating about potential legal issues that may arise in formulating policy and exercising managerial authority. The overarching theme of the course is the tension between individual rights and population interests. Students will be exposed to a survey of the legal principles governing selected public health problems as derived from court decisions, statutes, and regulations. Topics will include constitutional limits, privacy, tort law, immunization, personal control measures, i.e. isolation and quarantine, and economic regulation.

Prerequisites

PHPM 605 or PHPM 606.

Course Competencies and Objectives

<i>Competencies</i>	<i>Course Objectives</i>
Describe the legal basis for public health and health services. Articulate a definition of public health that captures the unique characteristics of the field (e.g., population-focused, community-oriented, prevention-motivated and rooted in social justice).	Explain the legal basis for public health.
Describe the legal basis for public health and health services. Understand the policy processes in the United States, and apply this knowledge to the formation of public health policy. Describe the organizational structures, functions, and authorities of local, state, and federal public health agencies.	Understand U.S. federalism and separation of powers.

Understand the policy processes in the United States, and apply this knowledge to the formation of public health policy.	Understand the structure of the U.S. state and federal court systems.
Describe the legal basis for public health and health services. Describe the organizational structures, functions, and authorities of local, state, and federal public health agencies.	Understand the role of administrative agencies in public health regulation.
Understand the policy processes in the United States, and apply this knowledge to the formation of public health policy.	Understand constitutional and statutory limitations on state and federal public health legislation.
Describe the legal basis for public health and health services. Apply basic principles of ethical analysis (e.g. the Public Health Code of Ethics, human rights framework) to issues of public health practice and policy. Explain methods of ensuring community health safety and preparedness.	Understand federal and state model laws relating to quarantine and isolation.
Distinguish between population and individual ethical considerations in relation to the benefits, costs, and burdens of public health programs. Apply evidence-based principles and the scientific knowledge base to critical evaluation and decision-making in public health. Apply an understanding of feedback loops to public health dynamics.	Understand the role of tort litigation in protecting public health.
Explain methods of ensuring community health safety and preparedness. Describe the public health laws and regulations governing public health programs. Describe the organizational structures, functions, and authorities of local, state, and federal public health agencies.	Understand the role of the state and federal governments in responding to public health emergencies.
Analyze the impact of global trends and interdependencies on public health related problems and systems. Apply social justice and human rights principles when addressing community needs. Explain how systems (e.g. individuals, social networks, organizations, and communities) may be viewed as systems within systems in the analysis of public health problems.	Understand the role of global health law in public health.
Understand the policy processes in the United States, and apply this knowledge to the formation of public health policy.	Understand the role of law in governing the control of communicable diseases.

Describe the public health laws and regulations governing public health programs.	
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Textbook and/or Resource Material

Lawrence O. Gostin & Lindsay F. Wiley, *Public Health Law: Power, Duty, Restraint*, University of California Press, 3rd edition, 2016.

Supplemental materials will be posted on Blackboard.

The text and other assigned readings will be the primary written resources for this course. Students are expected to read assigned materials prior to each class session. The assigned readings are intended to compliment the lectures. As you train to become professional public health practitioners, researchers, advocates, and scholars, keep in mind that staying abreast of emerging best practices, evidence, and policies will be a critical part of your career. Thus, not only will your assigned readings help you conceptually understand various topics in public health law, but they will help you develop a very important habit that will be useful to you going forward. Students should not assume that the readings are a substitute for class attendance. Furthermore, students should not disregard information presented in class that does not appear in the assigned readings. Any supplemental material posted on eCampus or discussed during lectures should be carefully considered and reviewed in preparation for examinations.

Course Topics, Calendar of Activities, Major Assignment Dates

Week (Date)	Topic	Required Reading
Week 1 September 5	Introduction to Public Health Law	Textbook, Chapter 1. A Theory and Definition of Public Health Law <i>The Disarray of Public Health: A Threat to the Public</i> , in <i>The Future of Public Health</i> 19-34 (IOM 1988). http://www.nap.edu/openbook.php?record_id=1091&page=19 Hodge JG, Jr., Barraza L, Bernstein J, Chu C, Collmer V, Davis C, et al. <i>Major trends in public health law and practice: a network national report</i> . <i>J Law Med Ethics</i> 2013;41(3):737-45. Beauchamp, DE (1976). <i>Public Health as Social Justice</i> . http://www.heartlandcenters.slu.edu/kmoli/assignments/06.pdf Epstein, R (2002). <i>In Defense of the "Old" Public Health: The Legal Framework for the Regulation of Public Health</i> . http://www.law.uchicago.edu/files/files/170-rae.old-public-health.pdf
Week 2 September 12	Risk Regulation	Textbook, Chapter 2. Public Health Regulation: A Systematic Evaluation Zubler, TC (1994). <i>Book Note: Breaking the Vicious Cycle: Toward Effective Risk Regulation</i> . <i>Harvard Journal of Law & Technology</i> , 8(1), 241-248.

		<p>http://jolt.law.harvard.edu/articles/pdf/v08/08HarvJLTech241.pdf</p> <p>Galizzi, MM (2012). <i>Label, Nudge or Tax? A Review of Health Policies for Risky Behaviours</i>. <i>Journal of Public Health Research</i> 1(1), e5. http://www.jphres.org/index.php/jphres/article/view/jphr.2012.e5/html</p>
<p>Week 3 September 19</p>	<p>Public Health Law and the Constitution</p>	<p>Textbook, Chapter 3. Public Health Law in the Constitutional Design: Public Health Powers and Duties</p> <p><i>DeShaney v. Winnebago County</i>, 489 U.S. 189 (1989), http://www.law.cornell.edu/supct/html/historics/USSC_CR_0489_0189_ZS.html</p> <p><i>Massachusetts v. EPA</i>, 549 U.S. ____ (2007), http://www.oyez.org/cases/2000-2009/2006/2006_05_1120/</p> <p><i>United States v. Lopez</i>, 514 U.S. 549 (1995), http://www.oyez.org/cases/1990-1999/1994/1994_93_1260</p> <p><i>National Federation of Independent Business v. Sebelius</i>, ____ U.S. ____ (2012), https://www.oyez.org/cases/2011/11-393</p>
<p>Week 4 September 26</p>	<p>Constitutional Limits</p>	<p>Textbook, Chapter 4. Constitutional Limits on the Exercise of Public Health Powers: Safeguarding Individual Rights and Freedom</p> <p><i>Jacobson v. Massachusetts</i>, 197 U.S. 11 (1905), http://www.oyez.org/cases/1901-1939/1904/1904_70</p> <p>Wendy K Mariner, George Annas & Leonard Glanz, <i>Jacobson v Massachusetts: It's not Your Great-Great-Grandfather's Public Health Law</i>, 95 <i>Am. J. Pub. Health</i> 581 (2005), http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449224/pdf/0950581.pdf</p> <p><i>Lochner v New York</i>, 198 U.S. 45 (1905), http://www.oyez.org/cases/1901-1939/1904/1904_292</p> <p><i>McDonald v Chicago</i>, 561 U.S. ____ (2010), http://www.oyez.org/cases/2000-2009/2009/2009_08_1521</p>

		<p><i>U.S. v Windsor</i>, ___ U.S. ___ (2013), http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf</p> <p><i>Church of the Lukumi Babalu Aye, Inc. v City of Hialeah</i>, 508 U.S. 520 (1993), http://www.oyez.org/cases/1990-1999/1992/1992_91_948/</p>
Week 5 October 3	Exam 1	Take Home Exam due by noon. The time limit for taking the exam is 3.5 hours from the time you open the exam in eCampus. The exam will be made available in eCampus starting at noon on Friday, September 29 th .
Week 6 October 10	Public Health Governance	<p>Textbook, Chapter 5. Public Health Governance: Democracy and Delegation</p> <p>Textbook, Chapter 6. Direct Regulation for the Public's Health and Safety</p> <p><i>A History of the Public Health System, in The Future of Public Health</i> 56-72 (IOM 1988), http://www.nap.edu/openbook.php?record_id=1091&page=56</p> <p>Gary M. Anderson, <i>Parasites, Profits and Politicians: Public Health and Public Choice</i>, http://object.cato.org/sites/cato.org/files/serials/files/cato-journal/1990/1/cj9n3-3.pdf</p>
Week 7 October 17	Tort Law and Public Health	<p>Textbook, Chapter 7. Tort Law and the Public's Health: Indirect Regulation</p> <p>The Tobacco Settlement, 10 Years Later (NPR series), http://www.npr.org/series/97193028/the-tobacco-settlement-10-years-later</p> <p><i>Summary of the Master Tobacco Settlement</i>, http://academic.udayton.edu/health/syllabi/tobacco/summary.htm</p> <p>Michelle M. Mello, Eric B. Rimm & David M. Studdert, <i>The McLawsuit: The Fast-Food Industry and Legal Accountability for Obesity</i>, <i>Health Affairs</i> 22(6), http://web.law.columbia.edu/sites/default/files/microsites/attorneys-general/files/The_McLawsuit-The_Fast_Food_Industry.pdf</p> <p>Joseph P. McMenamin & Andrea D. Tiglio, <i>Not the Next Tobacco: Defense to Obesity Claims</i>, <i>Food and Drug Law Journal</i> 61(3),</p>

		https://www.mcguirewoods.com/news-resources/publications/products_liability/obesity.pdf
Week 8 October 24	Surveillance and Ethics in Public Health Research	<p>Textbook, Chapter 9. Surveillance and Public Health Research: Privacy, Security, and Confidentiality of Personal Health Information</p> <p>David R. Buchanan & Franklin Miller, <i>Justice and Fairness in the Kennedy Krieger Institute Lead Paint Study: the Ethics of Public Health Research on Less Expensive, Less Effective Interventions</i>, American Journal of Public Health 96(5), http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1470603/pdf/0960781.pdf</p> <p>Donald G. McNeil Jr, <i>U.S. Apologizes for Syphilis Tests in Guatemala</i>, The New York Times, October 1, 2010, http://www.nytimes.com/2010/10/02/health/research/02infect.html?_r=0</p>
Week 9 October 31	Infectious Disease Prevention and Control	<p>Textbook, Chapter 10. Infectious Disease Prevention and Control</p> <p><i>Prince v. Massachusetts (1944)</i> https://www.law.cornell.edu/supremecourt/text/321/158</p> <p><i>Workman v. Mingo County (2011)</i> http://www.ca4.uscourts.gov/opinions/unpublished/092352.U.pdf</p> <p><i>Ferguson v. City of Charleston (2001)</i> https://supreme.justia.com/cases/federal/us/532/67/case.html</p> <p>CDC, Specific laws and Regulations Governing the Control of Communicable Diseases, http://www.cdc.gov/quarantine/specificlawsregulations.html</p> <p>CDC, Final Rules for Control of Communicable Diseases: Interstate and Foreign, http://www.cdc.gov/quarantine/final-rules-control-communicable-diseases.html</p>
Week 10 November 7	Reading Day	
Week 11 November 14	Taxation, Spending, and the Social Safety Net	<p>Textbook, Chapter 8. Taxation, Spending, and the Social Safety Net</p> <p>Reynolds JC, McKernan SC, Kuthy RA, Adrianse NB, Mani S, Damiano PC. Public Dental Safety Net in Iowa: Capacity and Readiness for Health Care</p>

Grading Policies

The final grade for the course will be based on three examinations and class participation. Class participation points will be based on attendance, and involvement in in-class discussions and assignments. While group discussions and conferral on various concepts is encouraged in and outside the classroom, it is expected that submitted answers on the take home examinations will be based on individual effort. Students are expected to complete the examinations within the allotted 96-hour period. Submissions after the due dates and times are eligible for up to half credit. Once grades are posted, late submittals will not be possible. If your grade is not posted, or if you would like to appeal your posted grade, contact the instructor within 7 days to initiate a review/appeal. After 7 days, no grade changes will be considered.

Grading Scale

90 -- 100 Points	A
80 -- 89 Points	B
70 -- 79 Points	C
60 -- 69 Points	D
<60 Points	F

Grade Composition	Weight
Exam 1	30%
Exam 2	30%
Exam 3	30%
Class Participation	10%

Attendance and Make-up Policies

This is a required course for all Health Policy and Management students at the School of Public Health. Attendance and participation in all class sessions is expected. Moreover, students are expected to complete the examinations within the allotted 96-hour period.

The University views class attendance as the responsibility of an individual student. Attendance is essential to complete the course successfully. University rules related to excused and unexcused absences are located on-line at <http://student-rules.tamu.edu/rule07>.

Other Pertinent Course Information

Every effort will be made to ensure that power point lecture files, notes, articles and assignments are available online in a timely manner. Written assignments will be delivered thru the Blackboard course website. Handouts, changes in assignments or the schedule of class modules will be announced on the Bb course webpage. E-mail contact will be initiated with all students the first week of class. If you do not have access to your assigned TAMHSC e-mail account, it is your responsibility to make the instructor aware of that fact so that other arrangements may be made. You are expected to use Blackboard e-mail address for all official correspondence.

eCampus (Blackboard)

If this course uses eCampus: Within the course's eCampus site you will access the learning materials, tutorials, and syllabus; discuss issues; submit assignments; take quizzes; email other students and the instructor; participate in online activities; and display your projects.

In order to access the course material you will need to go to login into [Howdy](#) and then click the eCampus button on the top right or look for Quick Links on the bottom of the School's homepage or go to <http://ecampus.tamu.edu> Please do not contact your instructor with technical problems. If you are having a technical problem with the course, review the [Blackboard Learn Tutorials](#) (at the top-right of School's Office of Academic Assessment and Instructional Technology website). For login issues (password not working), please contact TAMU Help Desk at helpdesk@tamu.edu via E-mail, or phone to (979) 845-8300. **Your eCampus login is the same as your Howdy login (NetID).**

Computer Requirements for Online Courses

For this and all online courses we recommend the minimum technical requirements outlined on our "SPH Computer Requirements for Online Courses" web page, located at <http://www.sph.tamhsc.edu/assessment-instructional/com-requirement.html>

All computing problems or other technical issues *not related to eCampus*, please contact:

- TAMHSC related account: helpdesk@tamhsc.edu via E-mail, or phone to (979) 862-8029
- TAMU related account: helpdesk@tamu.edu via E-mail, or phone to (979) 845-8300

Important!!! Save your work as you go along. Nothing is more discouraging than to lose an assignment due to a computer hang ups! You may want to also make hard copies of your work to have "proof" and save yourself time and trouble!

Plagiarism Virtual Course

Plagiarism is the leading form of academic dishonesty that the School of Public Health has to address. As a SPH student, you are responsible for knowing what plagiarism is and how to avoid it. All SPH students are automatically enrolled in Plagiarism Virtual Course on eCampus. This virtual course provides you with information and examples related to plagiarism in an effort to reduce the number of reported incidents. Please find a tutorial and resources under "Content." In addition, please find Turnitin, a software package that allows you to check whether you may have plagiarized your document. Please see Phuong Huynh: phuong@sph.tamhsc.edu for additional information.

Course Evaluation

Constructive feedback from students on course evaluations is taken very seriously at the School of Public Health. I am asking for your assistance in helping the School in its assessment of courses and faculty through your participation in the evaluation of your courses. As public health professionals you will one day have the responsibility to evaluate colleagues and health initiatives. The School views providing feedback on the School's courses as part of your professional responsibility.

SPH Mission

The Texas A&M School of Public Health is committed to transforming health through interdisciplinary inquiry, innovative solutions, and development of leaders through the Aggie tradition of service to engage diverse communities worldwide.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact Disability Services, currently located in the Disability Services building at the Student Services at White Creek complex on west campus or call 979-845-1637. For additional information, visit <http://disability.tamu.edu>.

Academic Integrity

Academic integrity is the pursuit of scholarly activity free from fraud and deception and is an educational objective of this institution. Students are expected to adhere to all TAMUS, TAMU, HSC, and School policies regarding academic integrity and classroom conduct. Academic dishonesty includes, but is not limited to, cheating, plagiarizing, fabricating information or citations, facilitating acts of academic dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used, or tampering with the academic work of another student. Individuals found guilty of academic dishonesty may be dismissed from the degree program, and at a minimum will receive an F for the course. It is the student's responsibility to have a clear understanding of how to reference other individuals' work, as well as having a clear understanding in general as to the various aspects of academic dishonesty. A tutorial on this issue is available at: <http://SPH.tamhsc.edu/academic-affairs/academic-integrity.html>. A plagiarism tutorial can be found in Blackboard. Information on the Aggie Honor Code can be found at <http://aggiehonor.tamu.edu>.

Remember:

"An Aggie does not lie, cheat, or steal, or tolerate those who do."

Copyright Statement

The materials used in this course are copyrighted. These materials include but are not limited to syllabi, quizzes, exams, lab problems, in-class materials, review sheets, and additional problem sets. Because these materials are copyrighted, you do not have the right to copy the handouts, unless permission is expressly granted by the instructor.

FERPA

The Federal Education Rights & Privacy Act requires that we advise students that by registering for this course, their HSC assigned e-mail address will be revealed to classmates and the instructor. By continuing your enrollment in the course you acknowledge your understanding of this policy.

By enrolling in this course you agree to the following statement: "I understand that as a result of registering for this course, my HSC/Blackboard assigned e-mail address will be revealed to classmates and the instructor."

Equal Opportunity Statement

The Texas A&M Health Science Center is an Equal Opportunity/ Affirmative Action employer. Inquiries regarding nondiscrimination policies may be directed to the Human Resources Officer by phone at (979) 436-9208, email hr@tamhsc.edu, or by mail at 200 Technology Way, College Station, TX 77845.

DISCLAIMER

This syllabus is representative of materials that will be covered in this class; the schedule and topics list are subject to change. These changes will be discussed in class and subsequently communicated via email or posted as announcements. If you have any problems related to this course, please feel free to discuss them with the instructor.

Title IX

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. Texas A&M University and the Texas A&M Health Science Center are committed to maintaining a learning environment that is free from discriminatory conduct based on gender. As required by Title IX, the University does not discriminate on the basis of sex in its education programs and activities, and it encourages any student or non-student who thinks that he or she has been subjected to sex discrimination, sexual harassment (including sexual violence) or sexual misconduct by another student, member of the faculty or staff, or campus visitor or contractor, to immediately report the incident to any of the individuals persons or offices listed below.

WHERE TO REPORT:

James Nachlinger,
Executive Director, Payroll and HR Services
Title IX Coordinator
979-436-9207
nachlinger@tamhsc.edu

The University encourages students to immediately consult with or report incidents of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct to the TAMHSC Title IX Coordinator. Students may also report incidents of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct to any School of Public Health administrator, university administrator, official or unit supervisor, who is then responsible for promptly notifying any of the above Title IX coordinators of the reported incident.

APPENDIX A: CEPH COMPETENCIES

D1. MPH & DrPH Foundational Public Health Knowledge

Profession & Science of Public Health

D1.1. Explain public health history, philosophy and values

D1.2. Identify the core functions of public health and the 10 Essential Services

D1.3. Explain the role of quantitative and qualitative methods and sciences in describing and assessing a population's health

D1.4. List major causes and trends of morbidity and mortality in the US or other community relevant to the school or program

D1.5. Discuss the science of primary, secondary and tertiary prevention in population health, including health promotion, screening, etc.

D1.6. Explain the critical importance of evidence in advancing public health knowledge

Factors Related to Human Health

D1.7. Explain effects of environmental factors on a population's health

D1.8. Explain biological and genetic factors that affect a population's health

D1.9. Explain behavioral and psychological factors that affect a population's health

D1.10. Explain the social, political and economic determinants of health and how they contribute to population health and health inequities

D1.11. Explain how globalization affects global burdens of disease

D1.12. Explain an ecological perspective on the connections among human health, animal health and ecosystem health (e.g., One Health)

D2. MPH Foundational Competencies

Evidence-based Approaches to Public Health

D2.1. Apply epidemiological methods to the breadth of settings and situations in public health practice

D2.2. Select quantitative and qualitative data collection methods appropriate for a given public health context

D2.3. Analyze quantitative and qualitative data using biostatistics, informatics, computer-based programming and software, as appropriate

D2.4. Interpret results of data analysis for public health research, policy or practice

Public Health & Health Care Systems

D2.5. Compare the organization, structure and function of health care, public health and regulatory systems across national and international settings

D2.6. Discuss the means by which structural bias, social inequities and racism undermine health and create challenges to achieving health equity at organizational, community and societal levels

Planning & Management to Promote Health

D2.7. Assess population needs, assets and capacities that affect communities' health

D2.8. Apply awareness of cultural values and practices to the design or implementation of public health policies or programs

D2.9. Design a population-based policy, program, project or intervention

D2.10. Explain basic principles and tools of budget and resource management

D2.11. Select methods to evaluate public health programs

Policy in Public Health

D2.12. Discuss multiple dimensions of the policy-making process, including the roles of ethics and evidence

D2.13. Propose strategies to identify stakeholders and build coalitions and partnerships for influencing public health outcomes

D2.14. Advocate for political, social or economic policies and programs that will improve health in diverse populations

D2.15. Evaluate policies for their impact on public health and health equity

Leadership

D2.16. Apply principles of leadership, governance and management, which include creating a vision, empowering others, fostering collaboration and guiding decision making

D2.17. Apply negotiation and mediation skills to address organizational or community challenges

Communication

D2.18. Select communication strategies for different audiences and sectors

D2.19. Communicate audience-appropriate public health content, both in writing and through oral presentation

D2.20. Describe the importance of cultural competence in communicating public health content

Interprofessional Practice

D2.21. Perform effectively on interprofessional teams

Systems Thinking

D2.22. Apply systems thinking tools to a public health issue