

Ethical and Legal Issues in Public Health

PHP 2080

Syllabus (9/6/11; will be updated)

Thursday 9:00 – 11:30am
Room 259, 121 South Main Street

Instructor: Linda Laliberte, JD, MS
Office: Room 218, 121 South Main St.
Telephone: 863-3819
Office Hours: By appointment

Textbooks: May not be in bookstore, but they are available on Amazon.

Dan E. Beauchamp, Bonnie Steinbock (eds):
New Ethics for the Public's Health, New York: Oxford Press, 1999

Lawrence O. Gostin, ed.
Public Health Law and Ethics: a Reader, University of California Press, 2002
(second edition 2010 available, but OK to use 2002 edition, which is on reserve at Sci Li)

Lawrence O Gostin, ed.
Public Health Law: Power, Duty, Restraint, University of California Press, 2008
On Reserve at Sci Li

Learning Objectives:

At the conclusion of the course, students will be able to:

1. Identify key ethical principles and values relevant to public health practice and research
2. Understand legal and regulatory issues related to public health
3. Evaluate public health research designs in terms of ethical, legal principles, including appropriate informed consent
4. Conduct an ethical analysis of public health interventions, identifying potential ethical concerns and conflicts and balancing burdens and benefits across populations
5. Employ strategies for working effectively with special populations, including different racial, ethnic or cultural groups, or those who are vulnerable because of institutional, health or social status
6. Apply public health values, principles and regulation in “real life” case studies

Evaluation and Deliverables:

1. Class participation and preparation
2. Performance on case studies and exercises
3. Final term product: Applied Ethics Project (10-15 page paper and 10 minute class presentation)
4. Written evaluation of each class presentation.

Class Date	Topic	
<p>9/8</p> <p>1st Class</p>	<p>Introduction, Course Overview, Historical Perspective</p> <p>Introductions of Faculty and Class, Interest/Experiences Class Logistics, Review Syllabus Definition of Public Health Case Study Approach to Learning</p> <p>Readings: Beauchamp and Steinbock: Pages 3-23 Gostin, 2002 Pages 1-65</p> <p>Kreber C. Learning Experientially through Case Studies? A Conceptual Analysis. <i>Teaching in Higher Education</i>, 6(2):217-228. 2001.</p> <p>Callahan D and Jennings B. Ethics and Public Health: Forging a Strong Relationship. <i>AJPH</i> 92(2): 169 – 176. February 2002.</p> <p>Childress, James F. Et al., Public Health Ethics: Mapping the Terrain, <i>Journal of Law, Medicine and Ethics</i>, 30 (2002): 170-178.</p> <p>Roberts MJ, Reich MR. Ethical analysis in Public Health. <i>Lancet</i> (2002) 359:1055-1059</p> <p>Kass N. An Ethics Framework for Public Health. <i>AJPH</i>. 91(11): 1776-1782. November 2001.</p> <p>Gostin, LO and Powers, M. What Does Social Justice Require for the Public’s Health? <i>Public Health Ethics and Policy Imperatives</i>. <i>Health Affairs</i> 25(4): 1053-1060 (2006).</p> <p>Of interest:</p> <p>Institute of Medicine, For the Public’s Health : Revitalizing Law and Policy to Meet New Challenges, Report Brief, June, 2011.</p>	
<p>9/15</p> <p>2nd Class</p>	<p>Philosophical Perspectives, Models of Ethical Decision Making, Key Legal Concepts</p> <p>Ethical concepts in public health, medicine and society Strategies for Decision Making and Resolving Conflicts</p> <p>Key concepts of US law in Public Health Federal and state government powers and limits on these powers Introduction to Privacy Case for next class</p> <p>Readings: Beauchamp and Steinbock: Pages 53-93 Gostin, 2002: Chapters 3, 5 and 6</p>	<p>Guest: Fox Wetle</p>

	<p>Lamm, Richard D. Redrawing the Ethics Map, <i>Hastings Center Report</i> 29, no. 2 (1999): 28-29.</p> <p>Bloche, MG. "Clinical Loyalties and the Social Purposes of Medicine." <i>JAMA</i>. 281(3). 268-274. January 1999.</p> <p>Tong, R. "Feminist Approaches to Bioethics." <i>Lahey Clinic Medical Ethics Newsletter</i>. 1-2. Winter 1999 http://www.lahey.org/pdf/ethics/winter_1999.pdf</p> <p>Bayer R and Fairchild A. The Genesis of Public Health Ethics. <i>Bioethics</i>. 18(6). 473-492. November 2004.</p> <p>Upshur R. Principles for the Justification of Public Health Intervention. <i>Canadian Journal of Public Health</i>. 93(2): 101-103. March-April 2002.</p>	
<p>9/22 3rd Class</p>	<p>Informed Consent, Privacy, Confidentiality, Uses of Information and Non-voluntary Disclosure</p> <p>History and principles of Informed Consent HIPAA: health information privacy and confidentiality Case: <i>Protecting Health Information Privacy</i> Introduction to Case for next class</p> <p>Readings: Gostin, 2002 Chapter 10 (Pages 295-333) Gostin, 2008 (Reserve) Pages 287-330</p> <p>AGS Ethics and Research Committee, The Responsible Conduct of Research, <i>Journal of the American Geriatrics Society</i>, 49:1120-1122, 2001</p> <p>Truog, RD et al. "Is Informed Consent Always Necessary for Randomized, Controlled Trials?" <i>NEJM</i>. 240 (10). 804-807. March 1999</p> <p>O'Neil O. Informed Consent and Public Health. <i>Phil. Trans. R. Soc. Lond. B</i> (2004) 359, 1133–1136.</p> <p>Hiatt R. HIPAA: The End of Epidemiology, or a New Social Contract? <i>Epidemiology</i> 14(6): 637-639. November 2003.</p> <p>Verity C and Nicoll A. Consent, Confidentiality, and the threat to public health surveillance. <i>BMJ</i>. 324: 1210-1213. May 2002.</p> <p>Myers et al. Privacy and Public Health at Risk: Public Health Confidentiality in the Digital Age. <i>AJPH</i>. 98(5): 793-801. May 2008.</p> <p>McGraw, D et al. Privacy as an enabler, not an impediment: Building Trust into Health Information Exchange, <i>Health Affairs</i> 28(2): 416-427 (2009).</p>	<p>Guest: Robert Marshall</p>

<p>9/29 4th Class</p>	<p>Public Health Regulation: Balancing the Common Good and Individual Freedoms Public Health Administrative Law</p> <p>Protection of Individual Rights Enabling Legislation Delegated Authority Rulemaking process Regulation and Enforcement Challenges to administrative actions Case: <i>Regulation of Nursing Homes</i></p> <p>Readings Gostin 2002 Chapter 7 (pp. 203-226) Gostin 2008 Pages 147-178</p> <p>RI General Laws Title 23, Health and Safety (link below) Rules and Regulations for Licensing of Nursing Facilities (R23-17-NF) (link below)</p> <p>http://www.rilin.state.ri.us/Statutes/TITLE23/INDEX.HTM http://www2.sec.state.ri.us/dar/regdocs/released/pdf/DOH/4215.pdf</p>	
<p>10/6 5th Class</p>	<p>Vulnerable Populations/Institutional Settings Underserved/ Institutionalized: Mentally Ill, Nursing Homes, Prisons Legal Concepts Pertaining to Institutionalized Populations Introduction to case for next class</p> <p>Readings: Gostin, 2002: Pages 82-93, Chapter 4, Pages 312-320, Chapter 13</p> <p>Moye J, Butz SW, Marson DC, Wood E, and the ABA-APA Capacity Assessment of Older Adults Working Group. <i>The Gerontologist</i>. 47(5): 591-603 (2007).</p> <p>Moye J, Wood, S, Edelstein B, Armesto J, Bower EH, Harrison JA, Wood E. Clinical Evidence in Guardianship of Older Adults Is Inadequate: Findings From a Tri-State Study. <i>The Gerontologist</i>. 47(5): 604-612 (2007).</p> <p>Shortell, SM et al. "Physicians as Double Agents: Maintaining Trust in an Era of Multiple Accountabilities." <i>JAMA</i>. 280 (12): 1102-1108 Sept 1998.</p> <p>The Ethics of Research Involving Indigenous Peoples. http://www.iphrc.ca/Upload/ethics_review_iphrc.pdf. Pgs 7-33.</p> <p>Johnstone M. Stigma, social justice and the rights of the mentally ill: Challenging the status quo. <i>Australian and New Zealand Journal of Mental Health Nursing</i> 10, 200–209. 2001.</p> <p>MacQueen K and Buehler J. Ethics, Practice, and Research in Public Health. <i>AJPH</i>. 94(6): 928-931. June 2004.</p>	<p>Guest: Fox Wetle</p>

	<p>Immigrants Facing Deportation by US Hospitals. <i>New York Times</i>. Aug 3. 2008.</p> <p>Gostin, LO. Biomedical Research Involving Prisoners: Ethical Values and legal regulation, <i>JAMA</i> 297(7): 737-740 (2007).</p> <p>Swanson, J. et al. Racial Disparities in Involuntary Outpatient commitment: Are they real? <i>Health Affairs</i> 28(3): 816-826 (2009).</p>	
10/13 6 th Class	<p>Working in Culturally Diverse Populations Assumptions, Cultural Fairness Avoiding Exploitation, Stigmatization Community Consent Case: <i>Targeting Community Interventions – Sister Talk</i> Introduction to case for next class</p> <p>Readings: Beauchamp & Steinbock Pages 39-44, 95-128 Gostin, 2002 Chapter 11</p> <p>K.M., MacQueen, E. McLellan, D.S. Metzger, S. Kegeles, R.P. Strauss, L. Blanchard, R. Scotti, R.T. Trotter. What is Community? An evidence-based definition for participatory public health. <i>American Journal of Public Health</i> 2000; 91 (12): 1929-1938.</p> <p>Principles of Community Engagement. Atlanta, GA. Centers for Disease Control and Prevention, Public Health Program Practice Office. 1997.</p> <p>Betancourt J et al. Cultural Competence And Health Care Disparities: Key Perspectives And Trends. <i>Health Affairs</i>. 24(2): 499-505. 2005.</p> <p>Racher F. The Evolution of Ethics for Community Practice. <i>Journal of Community Health Nursing</i>, 2007, 24(1), 65–76.</p> <p>Have, M.t, deBeaufort, ID et al. “Ethics and prevention of overweight and obesity: an inventory.” <i>Obesity Reviews</i> 12:669-679 (2011)</p>	Guest: Patricia Risica
10/20 7 th Class	<p>International Public Health Data Collection, Ownership and Uses of Data Cultural Sensitivity, Community Standards and Values Case: <i>Intervention Trial – AIDS</i></p> <p>Readings: Beauchamp and Steinbock: Chapter 6 (pp 207-250) Gostin 2008: Chapter 7 (pp 229-283)</p> <p>Bassett, MT. “Ensuring a Public Health Impact of Programs to Reduce HIV Transmission From Mothers to Infants: The Place of Voluntary Counseling and Testing.” <i>AJPH</i>. 92 (3). 347-351. March 2002</p> <p>Shapiro, HT, Meslin, EM. “Ethical Issues in the Design and Conduct of</p>	Guest: Stephen McGarvey

	<p>Clinical Trials in Developing Countries.” NEJM. 345:139-142. 2001.</p> <p>Achrekar, A., Gupta, R. “Informed Consent for a Clinical Trial in Thailand.” NEJM. 339 (18):1331-1332. 1998</p> <p>Correspondence. “Ethics of Placebo-Controlled Trials of Zidovudine to Prevent the Perinatal Transmission of HIV in the Third World.” NEJM. 338 (12). 836-841, 1998.</p> <p>Varmus, H., C. Satcher. “Ethical Complexities of Conducting Research in Developing Countries.” NEJM. 337(14) 1003-1005. Oct 2, 1997.</p> <p>Lurie, P., SM Wolfe. “Unethical Trials of Interventions to Reduce Perinatal Transmission of the Human Immunodeficiency Virus in Developing Countries.” NEJM. 337(12). 853-856. Sep. 18, 1997.</p> <p>Angell, M. “The Ethics of Clinical Research in the Third World.” NEJM. 337(12) 847-849. Sep. 18, 1997</p>	
10/27 8 th Class	<p>Tort Litigation for the Public’s Health</p> <p>Readings:</p> <p>Gostin, 2002 Chapter 9 Gostin 2008 Chapter 6, Pages 470-473</p> <p>Tort of Nuisance http://www.nuisancelaw.com/learn/tort</p> <p>Jacobson P and Warner K. Litigation and Public Health Policy Making: The Case of Tobacco Control. <i>Journal of Health Politics, Policy and Law</i>, Vol. 24, No. 4, pp. 769-804, August 1999.</p> <p>Parmet W and Daynard R. The New Public Health Litigation. <i>Annu. Rev. Public Health</i>. 21:437–54. 2000.</p> <p>Rabin, R. The Rhode Island Lead Paint Lawsuit: Where do we go from here? <i>New Solutions</i>, Vol. 16(4): 353-363 (2006).</p> <p>RI Supreme Court Opinion, State of RI v. Lead Industries Association, Inc. et al.(7/1/08).</p>	Guest: Patrick Vivier
11/3 9 th Class	<p>Professional Regulation and Disciplinary Codes of Conduct</p> <p>Institutional Rules Professional Codes</p> <p>Professional Codes of Ethics: APHA http://www.apha.org/programs/education/progeduethicalguidelines.htm</p>	Guest: Robert Crausman

	<p>American Medical Association Code of Ethics: http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics.shtml</p> <p>American Nurses Association: http://www.nursingworld.org/MainMenuCategories/EthicsStandards/CodeofEthicsforNurses.aspx</p> <p>American Psychological Association: http://www.apa.org/ethics/code2002.html</p> <p>National Association of Social Workers: http://www.socialworkers.org/pubs/code/code.asp</p> <p>World Health Organization: http://www.who.int/ethics/en/</p> <p>Crausman, Robert. Public Health Briefings on RI Board of Medical Licensure and Discipline cases.</p>	
<p>11/10 10th Class</p>	<p>Public Health Genetics: Screening Programs and Individual Testing/Counseling</p> <p>Readings: Beauchamp and Steinbock: Pages 339-377 Gostin 2002: Pages 472-485</p> <p>Thomas, JC, Irwin, DE, Zulker, ES and Millikan, RC. “Genomics and the Public Health Code of Ethics.” AJP 95: 2139-2143. December 2005.</p>	
<p>11/17 11th Class</p>	<p>Ethical Issues in Health Organizations and Reform</p> <p>Organizational Ethics: Structure, decision-making, transparency and Trust Ethical concerns in Health Reform Ethical issues in advocacy and debate Case from Office of the Health Insurance Commissioner</p> <p>Readings: Miller, TE. Sage, WM. “Disclosing physician financial incentives.” JAMA. 281 (15):1424-1430. April 1999.</p> <p>Noone, GC, Ubel, PA. “Managed care organizations should not disclose their physicians’ financial incentives.” The American Journal of Managed Care. 3 (1): 159-160. January 1997.</p> <p>Armstrong, David. “How some doctors turn a \$90 profit from a \$17 test.” The Wall Street Journal. September 30; CCXLVI (66): 1. 2005.</p> <p>Reiser, SJ. “The ethical life of health care organizations.” Hastings Center Report. 28-35.</p>	<p>Guest: Angela Sherwin</p>

	<p>November-December, 1994.</p> <p>S. R. Collins and K. Davis, Transparency in Health Care: The Time Has Come, The Commonwealth Fund, March 15, 2006</p> <p>Robinson J. Managed Consumerism in Health Care. <i>Health Affairs</i>. 1478-1489. Nov/Dec 2005.</p> <p>Sabin, JD and Cochran, D. Confronting Trad-Offs in Health Care: Harvard Pilgrim Health Care's Organizational Ethics Program. <i>Health Affairs</i>. 26(4): 1129-1134 (2007)</p> <p><i>Case Study: Rhode Island Office of the Health Commissioner Reform Strategy</i></p>	
11/24	Thanksgiving Holiday	
12/1	No Class	
12/8	Student Presentations	