

ID251: Ethical Basis of the Practice of Public Health
Summer 1, 2011

Updated: 7/6/11

COURSE MEETINGS:

Monday through Friday, 10:30 a.m.-12:20 p.m. (Section 1) or 3:30-5:20 p.m. (Section 2).
Both sections held in FXB-G13.

Optional review session (led by Teaching Fellow): Mon., July 25, 5:30pm, Room G1

INSTRUCTORS:

Michelle M. Mello, J.D., Ph.D. **(Course Director)**
Professor of Law and Public Health
Department of Health Policy and Management
Office: Kresge room 407
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David Studdert, LL.B., Sc.D.
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TEACHING FELLOWS:

Stephanie Morain (morning section)
Office hours: Thursdays, 12:30-1:20pm in Kresge Cafeteria (open to both sections)
Tel: 515-240-2118
Email: smorain@fas.harvard.edu

Brendan Saloner (afternoon section)
Office hours: Wednesdays, 12:30-1:20 in Kresge Cafeteria (open to both sections)
Tel: 510-285-7868
Email: bsaloner@fas.harvard.edu

COURSE OBJECTIVES:

At the completion of this course, you will be able to:

1. Describe and distinguish several of the leading ethical frameworks for the analysis of public health problems, apply them to real-world problems, and critically evaluate the strengths and weaknesses of each approach
2. Identify and analyze a number of important ethical issues arising in public health practice.
3. Construct a strong ethical argument.

COURSE MATERIALS:

Required readings are either accessible online or compiled in the Coursepak. Weblinks to online sources are available on the *Readings on Reserve* page of the course website.

The following materials (hard copies on reserve at Countway Library) are recommended references for those who desire more background information about foundational issues in the course:

Moral philosophy: Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (2nd ed. 2002)

Principles of medical ethics: Tom Beauchamp & James Childress, *Principles of Biomedical Ethics* (5th ed. 2001).

Historical evolution of the U.S. health care system: Paul Starr, *The Social Transformation of American Medicine* (1982).

HOMEWORK, EXAM, & GRADING:

Homework

A homework assignment will be distributed toward the end of second week of class (Thurs, July 14). Your response should present an ethical analysis of an issue in public health in no more than 5 double-spaced pages. The homework will be due at the beginning of class on Mon, July 18.

Your responses to the homework question must represent your own work only. This is not a collaborative project. You should generate ideas for your answers and write your answers on your own. You may consult your notes and all course materials in preparing your homework answers.

Examination

You will have a 72-hour period in which to complete a take-home exam that is designed to be completed by most students in no more than 6 hours. It will be handed out at 5:15pm on the last Tuesday of the course (July 26), and posted on the course website immediately thereafter, and it will be due at 5:00pm on the last Friday, July 29. Your answers will be restricted to 8 double-spaced pages total. The exam will consist of questions similar to those posed on the homework assignment, and may cover material from any part of the course.

Final exams must be completed independently. You may prepare for the exam in conjunction with other students. However, once the exam has been handed out, you may not talk with others about the exam or course material for the entire exam period. You may consult your notes and all course materials in preparing your exam answers.

Class participation

Class participation consists of three elements: (1) attendance; (2) evidence of preparation; and (3) making thoughtful, relevant contributions to class discussions. If you must miss a class session, we invite you to attend that lecture in the other section of the course.

Course grade calculation

Initial score = weighted average of exam score (65%) and homework score (35%). Class participation is then taken into account qualitatively to move students who are near the grade cutoff points and have good class participation up to the next-highest grade.

IMPORTANT POLICIES:

Policy on extensions

Summer students typically juggle a number of responsibilities in addition to their coursework. Although this can create challenges for timely completion of coursework, in fairness to all students, we are not able to grant extensions on the homework or exam to accommodate competing demands (e.g., grant application deadlines, conferences). However, emergencies do arise (e.g., family emergency, illness) and we can often offer flexibility in such cases. *Let Prof. Mello or Prof. Studdert know as soon as you become aware of such a situation*. Only in very exceptional circumstances would we grant an extension once an assignment is late.

Policy on late work

Written work that is received late, where an extension was not granted in advance of the deadline, will ordinarily be assessed a penalty. For work received within 12 hours of the deadline, 1 point (out of 10) per question will be deducted. For work received 12-24 hours late, 1.5 points per question are deducted. For work received more than 24 hours late, 2 points per question are deducted. Because we distribute feedback sheets detailing homework and exam answers, we cannot accept late work after we have distributed these sheets (typically 3-7 days after the due date).

Policy on acknowledging sources

be placed within quotation marks, and the source must be credited. All paraphrased material also

COURSE COMMUNICATIONS:

Course announcements, and information will be available on **the course website for Section 1 of the course**, which can be accessed through your MyHSPH portal. A Harvard PIN is required. We will also make periodic communications by email. We recommend that you check the website and your email daily.

COURSE SCHEDULE: (Dates apply to both sections of the course)

Date	Instructor	Topic	Key Dates
Thurs 7/7	Studdert & Wikler	Course introduction & Moral reasoning	
Fri 7/8	Wikler	Ethical theory I	
Mon 7/11	Wikler		
Tues 7/12	Studdert	Ethical theory II	
Wed 7/13	Mello & Studdert	Constructing an ethical analysis	
Thurs 7/14	Studdert	Public health practice	Homework handed out at end of class
Fri 7/15	Studdert	Informed consent	
Mon 7/18	Studdert	Confidentiality	Homework due at beginning of class
Tues 7/19	Studdert	Rights and access to health care	Homework returned to students
Wed 7/20	Mello	Scarcity and rationing I	
Thurs 7/21	Mello	Scarcity and rationing II	
Fri 7/22	Mello	Personal responsibility for health	
Mon 7/25	Wikler	Markets for kidneys?	Optional review session 5:30pm
Tues 7/26	Wikler	Ethics of research with human subjects: the core issues	Final exam handed out 5:15pm
Wed 7/27	Mello	Genetic screening	
Thurs 7/28	--	No class	Day off to work on the final exam
Fri 7/29	Mello		Final exam due 5:00pm

READING ASSIGNMENTS:

Access online
page of the course website.

Course Introduction & Moral Reasoning

Instructor: Studdert & Wikler

Readings: Wikler D. *Bioethics in Health Policy: What Methodology?* in E. Bittar and N. Bittar, eds., *PRINCIPLES OF MEDICAL BIOLOGY* (1994). **Access online.**

Ethical Theory I

Instructor: Wikler

Readings: Kymlicka W. *Contemporary Political Philosophy: An Introduction* (2nd ed. 2002), pp.10-52. **Access online.**

Optional: *Consequentialism. Access online.*
Deontological ethics. Access online.

Life's Chances

Instructor: Wikler

Readings: **Class time will be used to watch and discuss parts of two films: *The New Boys* and *Gandhi's Children*.**

There are no specific readings for this class. We strongly recommend you use the time to start on the following readings assigned for Constructing an Ethical

Field RI, Caplan AL. A proposed ethical framework for vaccine mandates: competing values and the case of HPV. *Kennedy Inst Ethics J* 2008;18(2):111-124. **Access online.**

Childress JF et al. Public health ethics: mapping the terrain. *J Law Med & Ethics* 2002;30:170-78. **Read pp.170-173; skim the remainder. Access online.**

Ethical Theory II

Instructor: Studdert

Readings: Solomon RC. *Introducing Philosophy* (2001), pp. 607-615.

Roberts MJ, Reich MJ. Ethical analysis in public health. *Lancet* 2002;359:1055-59. **Access online.**

Ruger JP. Ethics in American health 1: ethical approaches to health policy. *Am J*

Pub Health 2008;98:1751-56. **Access online.**

Nozick R. *Anarchy, State, and Utopia* (1974), pp.160-164.

Sandel MJ. *Liberalism and the Limits of Justice* (1982), pp.167-168, 171-173.

Constructing an Ethical Analysis

Instructors: Mello and Studdert

Readings: Exercise: Analysis and Critique of Pomfret et al. Article

Pomfret S. Inclusion of adolescent women in microbicide trials: a public health imperative! Pub Health Ethics 2010;3(1):39-50. **Access online.**

Jones CM. The moral problem of health disparities. Am J Pub Health 2010;100(Supp. 1):S47-S51. **Access online.**

Also review the following readings assigned on Mon 7/11:

Field RI, Caplan AL. A proposed ethical framework for vaccine mandates: competing values and the case of HPV. Kennedy Inst Ethics J 2008;18(2):111-124. **Access online.**

Childress JF et al. Public health ethics: mapping the terrain. J Law Med & Ethics 2002;30:170-78. **Read pp.170-173; skim the remainder. Access online.**

Public Health Practice

Instructor: Studdert

Readings: *Jacobson v. Massachusetts*, 197 US 11 (1905).

Kerpelman LC, Connell DB, Gunn WJ. Effect of a monetary sanction on immunization rates of recipients of aid to families with dependent children. JAMA. 2000;284:53-9. **Access online.**

Hemenway D, Kennedy BP, Kawachi I, Putnam RD. Firearm prevalence and social capital. Ann Epidemiol 2001;11:484-90. **Access online.**

Informed Consent

Instructor: Studdert

Readings: Brennan TA. Informed consent. In: *Just Doctoring: Medical Ethics in the Liberal State* (1991), 97-115.

Capron AM. Duty, truth, and whole human beings. Hastings Ctr Rep 1993;23:13-14. **Access online.**

Johnson v Kokemoor, 1999 Wis.2d 615 (1996).

Optional: Berger O et al. The length of consent documents in oncological trials is

doubled in twenty years. *Ann Oncol* 2009;20:379-85. **Access online.**

Confidentiality

Instructor: Studdert

Readings: *Humphers v. First Interstate Bank of Oregon*, 298 Or. 706 (1985).

Wynia MK. Breaching confidentiality to protect the public: evolving standards of medical confidentiality for military detainees. *Am J Bioethics* 2007;7(8):1-5.

Access online.

Tarasoff v. Regents of University of California, 551 P.2d 339 (1976).

Skim: Sankar P et al. Patient perspectives of medical confidentiality: a review of the literature. *JGIM* 2003;18:659-69. **Access online.**

Optional: Ness RB. Influence of the HIPAA Privacy Rule on health research. *JAMA* 2007;298(18):2164-2170. **Access online.**

Rights and Access to Health Care

Instructor: Studdert

Readings: *Owens v Nacogdoches County Hospital District*, 741 F.Supp 1269 (1990).

Ruger JP. The moral foundations of health insurance. *Q J Med* 2007;100:53-57.

Access online.

Connors EK, Gostin LO. Health care reform – a historic moment in US social policy. *JAMA* 2010;303:2521-2. **Access online.**

Friedman EA, Adashi EY. The right to health as the unheralded narrative of health care reform. *JAMA*;2010;304:2639-40. **Access online.**

Moffit RE. Obamacare and the individual mandate: violating personal liberty and federalism. **Access online.**

Optional – skim: Epstein, RC. *Mortal Peril: Our Inalienable Right to Health Care?* (1997), pp. 81-105.

Scarcity & Rationing I

Instructor: Mello

Readings: Daniels N, Sabin JE. *Setting Limits Fairly* (2002), pp. 1-6, 13-24.

Garland M, Stull J. Public health and health system reform: access, priority setting, and allocation of resources. *ASPH: Ethics and Public Health Model Curriculum*, 2003: 241-251.

Case Study: The Oregon Health Plan (and accompanying Fact Sheet)

Case Study: Making Cuts in a Health Department Budget (and accompanying Fact

Sheet)

Optional: Singer P. Why we must ration health care. New York Times, July 19, 2009. 8 pages. **Access online.**

Scarcity & Rationing II

Instructor: Mello

Readings: David Ozar, Jessica Berg, et al., *Organizational Ethics in Healthcare: Toward a Model for Ethical Decision-making by Provider Organizations* (2000), pp. 4-14 (OK to skim pp. 4-8).

S
priority setting. BMJ 1998;317:1000-07. **Access online.**

Case Study: The Case of Ibrahim Silla

Personal Responsibility for Health

Instructor: Mello

Readings: Olsen JA, Richardson J, Dolan P, Menzel P. The moral relevance of personal characteristics in setting health care priorities. Soc Sci Med 2003;57:1163-72. **Access online.**

Case Study & Appendices: The Evergladia Medicaid Program. **Appendices are in the Coursepak (labeled "Mountain Health Choices"); Case Study will be posted online a few days before class.**

New York Times:

Kleinfeld NR. Living at an epicenter of diabetes, defiance and despair. NY Times, Jan. 10, 2006. **Access online.**

Urbina I. In the treatment of diabetes, success often does not pay. NY Times, Jan. 11, 2006. **Access online.**

Santora M. East meets west, adding pounds and peril. NY Times, Jan 12, 2006. **Access online.**

Markets for Kidneys?

Instructor: Wikler

Readings: Radcliffe-Richards J, Daar AS, Guttman RD, et al. The case for allowing kidney sales. Lancet 1998;351:1950-52. **Access online.**

Matas AJ. Should we pay donors to increase the supply of organs for transplantation? Yes. BMJ 2008;336:1342. **Access online.**

Chapman J. Should we pay donors to increase the supply of organs for

transplantation? No. *BMJ* 2008;336:1343. **Access online.**

Hippen B, Matas A. The point of control: can a regulated organ market be moral? *Hastings Ctr Rep* 2009;39(6):4. **Access online.**

Ethics of Research with Human Subjects: The Core Issues

Instructor: Wikler

Readings: Wikler D, Brock DW. Ethical issues in resource allocation, research, and new product development. In: *Disease Control Priorities in Developing Countries* (2006), pp.259-270. **Access online.**

Alexander L. Medical science under dictatorship. *N Engl J Med* 1949;241:39-47.

Harkness J, Lederer SE, Wikler D. Harkness. Laying ethical foundations for clinical research. *Bull World Health Org* 2001;79(4):365-6. **Access online.**

Genetic Screening

Instructor: Mello

Readings: Bernheim RG, Bonnie R, Nieburg P. Public health genetics: screening programs and individual testing/counseling. *ASPH: Ethics and Public Health Model Curriculum*, 2003: 193-211.

Buchanan A. et al. *From Chance to Choice: Genetics & Justice* (2000), pp. 309-15.

Case Study: Ethical Implications of a Decision on MCADD Screening of Newborns

Case Study: PKU and Follow-Up

Also review previously assigned reading: Childress JF et al. Public health ethics: mapping the terrain. *J Law Med & Ethics* 2002;30: 170-78. **Access online.**

“Fetal Abuse”

Instructor: Mello

Readings: Case Study: The Case of Tracy Jackson.

Cole HM (for AMA Board of Trustees). Legal interventions during pregnancy: Court-ordered medical treatments and legal penalties for potentially harmful behavior by pregnant women. *JAMA* 1995;264:2663-70. **(skim 2663 through left column of 2666; read remainder). Access online.**

Roberts DE. Punishing drug addicts who have babies: women of color, equality, and the right of privacy. *Harvard Law Rev* 1991 (7-page excerpt).

Case Study: The Case of the Longlife Battery Company