

MPH 6002 Course Syllabus

<u>Course Title:</u>	MPH 6002: Public Health Law & Ethics
<u>Meeting schedule:</u>	This is an asynchronous distance education course with no set meeting time or location. Course materials will be posted online each week. Assignments and due dates are listed on this syllabus.
<u>Credit Hours:</u>	3
<u>Course Instructor:</u>	Corey Davis, JD, MSPH, EMT-B Senior Attorney, National Health Law Program Deputy Director, Network for Public Health Law
<u>Contact Information:</u>	I can be contacted at daviscore17@ecu.edu. Please put "MPH 6002" in the subject line. I will almost always respond within 24 hours.

Course Description

This course, along with MPH 6000, is part of a required two-course sequence and is designed to provide students a wide range of skills to develop and manage public health interventions. This course tracks two general themes in public health law: (1) a micro-level focus on operational public health law & ethics (i.e., the laws, policies, and ethical concerns that shape public health practice on a daily level); and (2) a macro-level focus on structural issues in public health law & ethics. The course will discuss how the U.S. Constitution and other sources of law are charged with protecting the health and well-being of its citizens while simultaneously protecting citizens from excessive government intrusion into their daily lives, as well as the ways in which public health law can improve the lives of citizens and others. By the end of the course, each student will develop an appreciation of the legal and political tensions between individual rights and freedoms, societal needs, and public health programs as well as an understanding of the role law serves to organize, implement and enforce health policies and programs.

Course Objectives

By the end of the course, students will be able to

1. Describe basic sources of U.S. public health law;
2. Describe the process through which laws are made and the role of various policy makers, including legislators, government agencies, non-government organizations and citizens;
3. Define and describe the power and duties of the state to promote and protect the public's health, and the limits constitutionally protected individual rights place on this power;
4. Analyze the legal and ethical implications of public health decisions; and
5. Apply critical thinking skills to the analysis of legal issues affecting the public's health.

Texts

Required:

- Lawrence O. Gostin & Lindsay F. Wiley, *Public Health Law: Power, Duty, Restraint* (Berkeley: Univ. of California Press, 2016) (3d Ed)
- Constitution of the United States of America (hard copy recommended but not required; text is available at http://www.senate.gov/civics/constitution_item/constitution.htm)
- Articles, selected statutes and illustrative cases as assigned

Recommended:

- James G. Hodge, *Public Health Law: In a Nutshell* (St. Paul: West Academic Publishing, 2d ed. 2015)

Course Structure and Requirements

This is a distance education course that will utilize lectures, case studies, and discussion board postings. Informed online discussion based on assigned readings and topics is required and will be factored into the class participation grade. There will be two quizzes, one mid-term examination and one final examination. Quizzes will be timed. They will be posted on the Monday of the week noted on the syllabus and will be available until midnight Friday of that week. Unless explicitly noted otherwise, all assignments must be completed individually, and students may use only materials assigned for the course.

Grading:

This class is graded on the A-F scale, with points allocated as follows:

- Class participation: 20%
- Quiz 1: 15%
- Midterm: 25%
- Quiz 2: 15%
- Final: 25%

Accommodations for Individuals with Disabilities:

It is the policy of East Carolina University to fully comply with all relevant law and to make reasonable accommodations for qualified individuals with disabilities. If you are a person with a disability and desire accommodations to complete your course requirements, please contact me. All discussions will remain confidential. Students can also contact the [Department for Disability Support Services](#).

Honor Code/Academic Integrity:

Students are expected to strictly adhere to the [Code of Student Conduct](#) and Academic Integrity Policy, including provisions regarding harassment and inclusion. All alleged violations will be resolved in

accordance with University policy. Students are advised that any instance of cheating or plagiarism will result in a grade of “XF” in the course.

Late work and Missed Exams / Assignments:

All work is due when assigned. Any work not submitted on the date and time assigned will receive a reduction of a minimum of one letter grade unless prior arrangements have been made with the instructor. Work will not be accepted beyond 24 hours after the due date except in extreme circumstances approved by the instructor.

Course Schedule Summary			
Class	Week of	Topic	Readings and Assignments
1	1/9	Introduction and Overview of Public Health Law	Gostin, Ch. 1, pp. 3-36 What is Public Health Law? U.S. Constitution Public Health Law at the Federal Level (CDC Grand Rounds, December 2016) (video)
2	1/23	Constitutional Law Part 1: Separation of powers	Gostin, Ch. 3, pp 73-105; Ch. 5 pp 153-176 How a bill becomes a law O. Kerr, How to read a legal opinion Hoctor v. U.S. Dept. of Ag., 82 F.3d 165 (1996) NY Statewide Coalition of Hispanic Chambers of Commerce v. NY City Dept of Health and Mental Hygiene, 970 N.Y.S.2d 200 (2013)
3	1/30	Constitutional Law Part 2: Federalism / Limits on federal power	Gostin, Ch. 5, pp 177-190 Raich v. Gonzalez, 545 U.S. 1 (2005) South Dakota v. Dole, 483 U.S. 203 (1987) United States v. Lopez, 514 U.S. 549

			(1995)
4	2/6	Evidence-based public health Quiz 1	Read the PHLR website: http://publichealthlawresearch.org/ Discussion Board Prompt 1 posted
5	2/13	Power and authority of government to promote health	Jacobson v. Massachusetts, 197 U.S. 11 (1905) Prince v. Massachusetts, 321 U.S. 158 (1944) Jew Ho v. Williamson, 103 F. 10 (1900) Parmet W et al. Individual rights versus the public's health – 100 Years after Jacobson v. Massachusetts. N Engl J Med 2005;352:652-654.
6	2/20	Individual rights vs. Government responsibility	Gostin, Ch. 4 Greene v. Edwards, 263 S.E.2d. 661 (1980) Michigan State Police v. Sitz, 496 U.S. 444 (1990) (Only pp. 444-456; 460-72) Jones and Mayer, Paternalism and its Discontents: Motorcycle Helmet Laws, Libertarian Values, and Public Health . Am J Public Health. 2007 February; 97(2): 208–217 Discussion Board Prompt 2 posted
7	2/27	First Amendment, labeling, commercial speech, and public health	U.S. Constitution, Amendment 1 Gostin, Ch. 12, Pp. 445-458 Reynolds v. FDA, No. 11-5332 (D.C. Cir.) (2013) Henry v. Gerber (pp. 1-5 & 10-15) Hodge, J. Doctors, Patients, Guns,

			<p>and the Public Health</p> <p>Parment, et al. Wollschlaeger v. Governor of Florida — The First Amendment, Physician Speech, and Firearm Safety</p> <p>Volokh E. Court upholds Florida law restricting doctor-patient speech about guns. Washington Post, July 29, 2015.</p> <p>Not required (this is the case discussed in the above article): Wollschlaeger v. Governor, No. 12-14009 (11th. Cir) (2015)</p> <p>Volokh, E. Eleventh Circuit en banc strikes down restriction on doctors' speech to patients about guns. Washington Post, February 17, 2017.</p> <p>Not required (the en banc decision discussed in the 2nd Volokh article) Wollschlaeger v. Governor, No. 12-14009 (en banc) (2017))</p>
8	3/13	<p>Public health responses to the opioid epidemic</p> <p>Midterm</p>	<p>Increases in Drug and Opioid-Involved Overdose Deaths — United States, 2010–2015</p> <p>Davis, Webb, and Burris. Changing Law from Barrier to Facilitator of Opioid Overdose Prevention. Journal of Law, Medicine & Ethics 2013; 41(s1): 33-36.</p>
9	3/20	Tort Litigation as a Public Health Tool	<p>Gostin, Ch. 7, Pp. 227-255</p> <p>Lytton, Using Tort Litigation to Enhance Regulatory Policy Making: Evaluating Climate-Change Litigation in Light of Lessons from Gun-Industry and Clergy Sexual-</p>

			<p>Abuse Lawsuits, <i>Texas Law Review</i>, 86: 1838-1849</p> <p>Discussion Board Prompt 3 posted</p>
10	3/27	Ethics in Health Care and Public Health	<p>Principles of the Ethical Practice of Public Health</p> <p>Kass, An Ethics Framework for Public Health</p> <p>Kathy L. Hudson & Francis S. Collins, Bringing the Common Rule into the 21st Century, 2015. N. Engl. J. Med. 373;24</p>
11	4/3	<p>Privacy, confidentiality, autonomy and consent</p> <p>Quiz 2</p>	<p>Cruzan v. Director, Missouri Dept of Health, 497 U.S. 261 (1990)</p> <p>Gonzales v. Oregon, 546 U.S. 243 (2006)</p> <p>Lawrence v. Texas, 539 U.S. 558 (2003) Majority (Kennedy), Dissent (Scalia)</p>
12	4/10	Health Disparities and the Law: Food Policy	<p>Household Food Insecurity in the United States</p> <p>Policy Basics: Introduction to the Supplemental Nutrition Assistance Program (SNAP)</p> <p>Josette Sheeran: Ending Hunger Now-TEDGlobal</p>
13	4/17	Affordable Care Act	<p>National Health Insurance - A Brief History of Reform Efforts in the U.S.</p> <p>Davis and Somers, National Health Care Reform and the Public's Health. Journal of Law, Medicine & Ethics 2011; 39(s1): 65-68.</p> <p>NFIB v. Sebelius, 132 S.Ct. 2566 (2012); 1-24.</p> <p>Discussion Board Prompt 4</p>

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14	4/24	Course review, emerging threats, and the future of public health law	Emergency Legal Preparedness Concerning the Zika Virus: A Legal Primer Inside Flint's Lead Poisoning Disaster How Medicaid and the ACA are helping states address opioid overdose
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The above schedule and procedures are subject to change.

This syllabus was modified on April 1, 2017.