

PUBLIC HEALTH LAW AND ETHICS

Course number 6421 (3 credit hours)

2017 Summer Term C: May 8--July 5

MW: 6:00-8:10 PM

Room: HPNP 1102

Adjunct Lecturer (AL): Sonja R. Pica, JD, MPH

Distinguished Guest Lecturer: James M. Roberts, JD

AL Phone: 352-627-9018

AL Email: picas@shands.ufl.edu

AL Office hours: After class or by appointment

Required Texts:

- 1. Taking Sides: Clashing Views on Bioethical Issues, 15th edition, Gregory Kaebnick, ISBN 978-0-07-813949.**
- 2. Course packet of legal and ethical cases (distributed at first class)**

COURSE OBJECTIVES:

The health of citizens is a fundamental tenet of American government. Federal, state and local government actions that aim to protect the public's health may infringe upon the rights given to individuals by the U.S. Constitution. This course will examine through practical examples and case studies the legal and ethical boundaries governing legislators, lawyers, judges, public health authorities and juries contemplating a variety of government actions aimed at protecting public health. The course will examine the legal foundations of the American public health system as well as the legal and ethical issues that arise from balancing individual liberties with the government's interest in protecting all citizens' well being.

After completing this course, students should have the ability to understand the structure and operations of the public health system, understand the continually evolving role of government, community and citizens in public health law and understand how the judicial process attempts to resolve conflicts between individual liberties and the government's interest in public health for all citizens. The course will utilize actual federal and state court decisions from a variety of public health tort litigation settings to give students exposure to many important public health legal and ethical issues including health promotion and communication, infectious disease control, immunization testing and screening, drugs and society and the regulation of businesses and professions.

This course will begin with an overview of how the American government system works by discussing the concept of separation of powers in the context of constitutional amendments designed to improve the tort litigation system. After a gaining a general understanding of how the legal system functions, students will then read, discuss and debate court decisions and ethical issues involving the important topics of public health theory and practice. Students will leave the course understanding how the legal system

addresses public health legal and ethical issues and be equipped with the knowledge and skills necessary to impact the field of public health.

COURSE REQUIREMENTS:

The course is three (3) credit hours and meets two times a week on Mondays and Wednesdays from 6:00 pm to 8:10 pm. Class discussions and debate will require thought and consideration of the assigned readings before class. Students will participate actively in the course and will gain assessment, analysis and advocacy skills. Due to the high value placed on participation and discussion, 10% of your final grade depends upon your class attendance and participation. There will also be in-class assignments/quizzes that will be worth 10% of your final grade. Each student will also choose a topic that is approved by the instructor to present on during class. The presentation should include citations and will count for 15% of the final grade. Additionally, there will be a mid-term exam during class that will count for 25% of your final grade. The final exam will be during class and counts for 40% of your final grade.

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| In Class Assignments | = 10% |
| Class participation | = 10% |
| Midterm exam | = 25% |
| Presentation | = 15% |
| Final exam | = 40% |

ASSIGNED READINGS¹:

INTRODUCTION TO PUBLIC HEALTH LAW AND ETHICS

Monday, May 8: Introduction to the American Legal System: Federalism, Police Powers of States, and Constitutional Individual Rights

Course Packet: US Constitution and Separation of Powers
Introduction of how to FIRAC a case

Wednesday, May 10: State Police Powers v. Individual Rights

Law: Jacobson v. Massachusetts: The scope of police powers

Issue 19: Should vaccination for HPV be mandated for teenage girls?

Monday, May 15: State Police Powers v. Individual Rights: Limits on Police Powers

Law: Jew Ho v. Williamson

Ethics: Issue 16: Is an individual mandate to purchase health insurance fair?

Issue 17: Is there an ethical duty to provide health care for all immigrants to the United States?

LEGAL AND ETHICAL ISSUES OF PUBLIC HEALTH PROMOTION AND COMMUNICATION

Wednesday, May 17: Legal and Ethical Issues of Public Health Promotion and Communication

Law: Benning v. Vermont: Gov't regulation of harmful behavior

Ethics: Issue 14: May doctors offer medical drugs and surgery to stop a disabled child from maturing?

Monday, May 22: Legal and Ethical Issues of Public Health Promotion and Communication

Law: Deshaney v. Winnebago: Limitations on government responsibilities

Ethics: Issue 6: Should physicians be allowed to assist in patient suicide?

Wednesday, May 24: Legal and Ethical Issues of Public Health Promotion and Communication

Ethics: Issue 12: Is using medical tools to enhance human beings morally troubling?

Issue 13: Should performance-enhancing drugs be banned from sports?

Issue 15: Should scientists create artificial organisms?

MIDTERM APPLICATION OF LEARNINGS AND MIDTERM EXAM

Monday, May 29: Holiday

Wednesday, May 31: Application of Public Health Law and Ethics to Current Events/ Course Mid-Term Review

Monday, June 5: Midterm Exam – Part A (In Class)

Wednesday, June 7: Midterm Exam – Part B (In Class)

PUBLIC HEALTH REGULATION OF BUSINESSES AND PROFESSIONS

Monday, June 12: Public Health Regulation of Businesses and Professions

Law: South Dakota v. Dole: Federal gov't power to influence states and private behavior using the power to tax and spend

Ethics: Issue #10: Should physicians be allowed to participate in executions?

Wednesday, June 14: Public Health Regulation of Businesses and Professions

Law: Dent v. West Virginia: Public health agencies' regulatory powers of professions

Ethics: Issue 11: Should pharmacists be allowed to deny prescriptions on the grounds of conscience?

Issue 20: Should there be a market in human organs?

PUBLIC HEALTH LEGAL AND ETHICAL ISSUES OF DRUGS, INFECTIOUS DISEASE AND SOCIETY

Monday, June 19: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

Law: Ferguson v. City of Charleston: Drug testing, screening, and special needs doctrine

Ethics: Issue 9: Should a pregnant woman be punished for exposing her fetus to risk?

Issue 14: Handout: Should mothers infected with AIDS virus breastfeed?

Wednesday, June 21: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

Law: Brown v. Stone: Vaccination objections and religious exceptions

Ethics: Issue 18: Should new drugs be given to patients outside clinical trials?

Ethics: Issue 8: Should there be legal limits on how many embryos can be transferred into a woman who wants to be pregnant?

Monday, June 26: Ethics of Medical Decision Making

Ethics: Issue 2: May surrogate decision makers terminate care for a person in a persistent vegetative state?

Issue 3: Should adolescents be allowed to make their own life and death decisions?

APPLICATION OF LAW AND ETHICS COURSE LEARNINGS

Wednesday, June 28: Course Review/ Presentations

Monday, July 3: Course Review/ Presentations

Wednesday, July 5: Final Exam (In Class)

1. Note that this topical course schedule is subject to change as the instructor sees fit in order to adapt to student interests and evolving current events.