

Law in Public Health Practice

PH 230/ PSC 230

Spring 2016

Monday & Wednesday 7:40 pm – 8:55 pm

Morey 501

“The most important social debates about public health take place in legal forums – legislatures, courts, and administrative agencies – and in the law’s language of rights, duties, and justice.” (Gostin 23)

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Course description

Law in Public Health Practice is about the legal and social justice framework for urgent public health issues, such as regulation of vaccinations, e-cigarettes, and abortion. The course focuses on government powers, duties, and restraints to assure the health of all populations; by examining the theories and concepts behind public health law, and by exploring the constitutional tensions between public health efforts and the counterbalancing rights to liberty, freedom of speech, of association, and others. Students also will learn how to spot the issues involved with implementation of laws in a community, including public health community organizing and advocacy efforts. The format of the course combines lectures with current-event case studies, and community field visits.¹

¹ Travel will be coordinated by Havisha Munjal and travel costs will be reimbursed by the course.

The course is divided into 3 parts. Part I, Theories of Public Health Law will review definitions of public health, ethics, and the law. Part II, Sources of Public Health Law, reviews the law across the three branches of government: legislative (statutes), administrative (regulations), and judicial (cases). Part III, Constitutional Conflicts, will analyze the constitutional limits upon government power when exercising public health powers: these include the right to free expression, association, travel, and economic liberty.

Students are responsible for weekly readings; class attendance and participation; writing a Public Comment on proposed regulations; 1 visit to a community coalition meeting or public hearing, preparing a community coalition analysis project which consists of a paper plus a group class presentation; and two quizzes.

Course Learning Objectives

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

- Explain how law is an integral part of public health, not a separate field
- Locate primary law materials (statutes, regulations, cases)
- Understand the constitutional sources of powers and duties for public health law
- Identify the constitutional rights that counterbalance specific public health powers (e.g. freedom of speech, of association, etc)
- Analyze the ways in which community coalitions are involved with implementing public health law

Textbooks and Readings

1. Lawrence Gostin, ***Public Health Law: Power, Duty, Restraint***, 2d Edition (\$55) (“Gostin”). Please don’t be daunted by the size of the book; in true lawyerly fashion, about one-third of the pages are footnotes. Available at the bookstore and also free online at the library.
2. Also required is the accompanying “Reader,” entitled ***Public Health Law & Ethics: A Reader*** (“Reader”). This is available in the bookstore, and also available free online at the library.
3. Materials from the textbook will be supplemented with other readings available through Blackboard, as well as readings provided by our community partners.

Student evaluation

Student mastery of course material will be determined as follows:

<i>Student Evaluation Criteria</i>	
Activity	% Grade
Class attendance & participation	10
Voting exercise	5
Legal treasure hunt	5
Public Comment on proposed regulations	25
Quiz #1	15
Community coalition project	25
<i>Pre-visit analysis paper (10)</i>	
<i>Post-visit analysis paper (10)</i>	
<i>Presentation (group) (5)</i>	
Quiz #2 (non-cumulative)	15

Course Policies

Honesty and Ethics: I take cheating and plagiarism very seriously; it constitutes theft of ideas and unfair advantage over other students. You will be asked to take [Honesty Quiz # 1](#) to document your knowledge of the [University's code](#), and to sign a compliance [pledge](#) with the University's code of honesty with each assignment.

Disability Statement: Your success in this course is important to me, and it is the policy and practice of the University of Rochester to create inclusive learning environments consistent with federal and state law. If you have a documented disability (or need to have a disability documented), and need an "accommodation," please contact me privately as soon as possible so that we can discuss with the relevant office how to meet your specific needs and the requirements of the course.

Course Assignments

Class attendance & participation – 10 points

Class attendance is mandatory.

Intelligent participation also is expected to further discussion of the reading material and the concepts of public health law. Quality matters.

Voting exercise – 5 points – Due January 25th

This exercise involves mastering the logistics of informed voting, and the importance of voting to public health issues.

Legal treasure hunt – 5 points – Due February 1st

This exercise teaches how to locate statutes, regulations, and cases. Legal research tools will be used to locate the legal documents.

Public Comment on proposed regulations – 25% - Due March 14th

This major exercise teaches how regulations are structured, how to analyze a regulation, and how to file a public comment. Students will be asked to write a formal Public Comment on a choice of two proposed regulations.

Quiz #1 – 15%

This quiz covers Chapters 1 through 6 in the Gostin text, and class material up to the March break. The format is multiple choice.

Community coalition project – 25% - deadlines vary by date of visit

This project involves an independent visit to a community organization meeting to observe coalition, policy, or advocacy activities. Sign-ups and logistics will be coordinated by the teaching assistant, Ms. Havisha Munjal. Prior to the visit, students will be asked to write a pre-visit analysis paper, which will provide legal and policy background for the activities (10 points). After the visit, students will be asked to provide a group presentation on the visit (5 points). Finally, students will be asked to write up their observations of the visit and how it relates to public health law (10 points)

Quiz #2 (non-cumulative) – 15% - April 27th

Quiz #2 will cover Chapters 8 through 12 in Gostin, and classes from after March break to the end of the semester. It will not cover material tested in Quiz #1. Note there is no final exam; therefore, students will be completely done with course work by the end of the last class.

Class Schedule

<i>Date</i>	<i>Topic</i>	<i>Readings/Assignments</i>
PART I: CONCEPTUAL FOUNDATIONS OF PUBLIC HEALTH LAW		
#1 W 1/13	Social Justice and the Right to Health	Reader, 39-49, 257-267 In class: Social Justice Vision: MLK Jr Speech
M 1/18	No Class: MLK Day	
#2 W 1/20	Civic engagement exercise: Voting	<ul style="list-style-type: none"> National Conference of State Legislatures, Voter Registration, http://www.ncsl.org/research/elections-and-campaigns/voter-registration.aspx Editorial, DeMarco, Elections and Public Health, 90 American Journal of Public Health 1514-1515 (2000)
#2 W 1/20	Theory and Definition of Public Health Law	<ul style="list-style-type: none"> Gostin, Chapter 1 Reader, Chapter 1 IOM Report, <i>For the Public's Health: Revitalizing Law and Policy to Meet New Challenges</i> <ul style="list-style-type: none"> Chapter 3 Law and the Public's Health: Law as a Tool for Improving Population Health "Perspective: Law and Great Public Health Achievements" from <i>Law in Public Health Practice (on reserve)</i>
#3 M 1/25	Justifications for Public Health Regulation VOTING EXERCISE DUE	<ul style="list-style-type: none"> Gostin, Chapter 2 Reader, Chapter 2 Reader, Ch.2, Public Health Ethics, pp59-96 National Health Report, CDC MMWR Supplement Oct 2014, http://www.cdc.gov/mmwr/preview/mmwrhtml/su6304a1.htm?s_cid=su6304a1_w
#4 W 1/27	Legal Research Clinic	Kathy Wu, Law Librarian, Rush Rhees Library, How to conduct legal research
#5 M 2/1	RESEARCH EXERCISE DUE Guest speakers, Community Health Disparities & Community Coalitions Candice A. Lucas, MBA Director, Community Health Services & Director, Cancer Services Program of Monroe County URMC-Center for Community Health	<ul style="list-style-type: none"> Community Coalition Action Framework (on reserve) DOWNLOAD AND READ BROCHURES and EXECUTIVE SUMMARIES <ul style="list-style-type: none"> - <i>Whats goin' on</i> and - <i>Nuestra Salud</i>. At http://www.flhsa.org/issues/health-disparities

Gladys Pedraza-Burgos M.S.
 Chief Operations Officer
 Ibero-American Action League, Inc.

#6 W 2/3	Current-event Case study: Motorcycle helmet legislation	In Class: http://video.pbs.org/video/2247868837/
PART 2: SOURCES OF PUBLIC HEALTH POWER, DUTY & RESTRAINT		
#7 M 2/8	Constitutional Law: Public Health Powers and Duties	Gostin, Chapter 3 Reader, Chapter 3 Catalog of Federal Domestic Assistance (CFDA)
#8 W 2/10	Guest speaker: Diane Morse, M.D. Reentry Programs for Women Inmates (mental health) Associate Professor of Psychiatry and Medicine University of Rochester School of Medicine Department of Psychiatry Director, Women's Initiative Supporting Health Center for Community Health	
#9 M 2/15	Constitutional Law: Limits on the Exercise of Public Health Powers	Gostin, Chapter 4 Reader, Chapter 4
#10 M 2/17	Current-events case study: Abortion regulations; How to read a case	Stuart v. Camnitz, 774 F.3d 238 (4th Cir. 2014) cert. denied sub nom. Walker-McGill v. Stuart, 135 S. Ct. 2838 (2015)
#11 M 2/22	Administrative Law: Direct Regulation for the Public's health and Safety	Gostin, Chapter 5 Reader, Chapter 5
#12 W 2/24	How to read a regulation; Introduction to the Regulations Exercise	
#13 M 2/29	Case Law: Tort law and indirect regulation	Gostin, Chapter 6 Reader, Chapter 6
#14 W 3/2	Current Events Case Study: Gun control QUIZ #1	http://www.flhsa.org/flhsa-coalitions-say-shootings-are-a-health-crisis
M 3/7	No Class – March Break	
W 3/9	No Class – March Break	

#15 M 3/14	REGULATIONS EXERCISE DUE Guest speaker Health Care Financing of Healthy Homes Katrina Korfmacher, PhD	http://www.nchh.org/LinkClick.aspx?fileticket=2lvaEDNBidU%3d&tabid=229 (SKIM) http://www.nga.org/files/live/sites/NGA/files/pdf/2015/1504HealthInvestmentsThatPayOff.pdf (READ)
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		http://www.nchh.org/Portals/0/Contents/Reimbursement%20Landscape_RECOMMENDATIONS_FINAL%20%2818%20November%202014%29.pdf (READ)
#16 W 3/16	Guest speaker Affordable Care Act & Community Health Assessment – Theresa Green, <i>PhD, MBA</i> , Director, Community Health Policy at UR Center for Community Health	
PART 3: BALANCING ACTS		
#17 M 3/21	Surveillance and Public Health Research: HIV Tracing	Gostin, Chapter 8 Reader, Chapter 8
#18 W 3/23	Health Communication and Behavior: freedom of expression, association & travel	Gostin, Chapter 9 Reader, Chapter 9
#19 M 3/28	Case study: TBD	
#20 W 3/30	Bodily Integrity: <i>Medical</i> strategies for epidemics	Gostin, Chapter 10 Reader, Chapter 10
#21 M 4/4	Current Events Case Study: Vaccinations and the “anti-vax” movement; California legislation	
#22 W 4/6	Association, Travel and Liberty: <i>Public health</i> strategies for epidemics	Gostin, Chapter 11 Reader Chapter 11
#23 M 4/11	Current Events Case Study: Ebola quarantine attempts (Maine nurse)	Complaint, Hickox v. Christie et al, October 22, 2015
#24 W 4/13	Economic Liberty and the Public’s Health: direct regulation	Gostin, Chapter 12 Reader, Chapter 12
#25 M 4/18	Current Events Case study: FDA regulation of e-cigarettes (Proposed Regulations)	
#26 4/20	Community Presentations	
#27 4/25	Community Presentations	
#28 4/27	Quiz #2	