

## PH PSC 230      Law in Public Health Practice

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“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)

Prof. [Molly McNulty JD](#)      [m.mcnulty@rochester.edu](mailto:m.mcnulty@rochester.edu)  
 PH 230/ PSC 230      Spring 2018  
 Monday & Wednesday      Morey 205, 6:15pm – 7:30pm  
 Office hours & location:      Harkness Hall 316 (Pol. Sci Dept) Mon & Wed 5:15 pm – 6:00 pm  
 TA Shoshi Preuss      [spreuss@u.rochester.edu](mailto:spreuss@u.rochester.edu) (617) 631-0021

### 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, tobacco control and infectious diseases such as Ebola. The course focuses on the U.S. Constitution and the way in which it defines government powers, duties, and restraints to assure the health of all populations. The course also examines the theories and concepts behind public health law, 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 policymaking 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.<sup>1</sup>

The course differs from PH 236, *Healthcare and the Law*, in that this course focuses on **governmental activity** and the health of **populations**. *Healthcare and the Law* focuses on the relationships between healthcare providers and patients.

The course is divided into 4 parts. Part I, Conceptual Foundations of Public Health Law will review definitions of public health, ethics, and the law. Part II, Legal Foundations of Public Health Law, reviews the law across the three branches of government: legislative (statutes), administrative (regulations), and judicial (cases). Part III, Modes of Legal Intervention, reviews the regulatory toolbox available for public health interventions. Part IV, Public Health Law in Context, presents major substantive areas of public health through numerous case studies.

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<sup>1</sup> Travel will be coordinated by TA Shoshi Preuss and travel costs will be reimbursed by the course.

Work required will be: a field trip to a local health coalition meeting, 2 quizzes, 1 legal research and analysis paper, 1 community analysis paper, and sundry small assignments related to voting, legal research skills, attendance and participation.

## Course Learning Objectives

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

- Explain how law is an integral part of public health
- 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 health coalitions are involved with the law and policymaking process

## Textbooks and Readings

**Note:** Please support local businesses by using UR Rochester [Barnes & Noble for your textbooks](#). They match all the services that Amazon provides (campus delivery, price matching) plus additional services that Amazon does not (financial aid billing).

1. Lawrence Gostin, ***Public Health Law: Power, Duty, Restraint***, 2d Edition (“*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. To access the free version, sign into the course on Blackboard, and click on “Reserves” in the left hand pane in Blackboard, then click on “Materials on Reserve in 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. To access the free version, sign into the course on Blackboard, and click on “Reserves” in the left hand pane in Blackboard, then click on “Materials on Reserve in the Library.”
3. Pocket Constitution – at Barnes & Noble – also a free annotated version is available at <https://www.congress.gov/constitution-annotated/>
4. Materials from the textbook may 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>	
<b>Activity</b>	<b>% Grade</b>
Class attendance & participation	10
Legal research exercise	10 Honesty pledge required
Public Comment on proposed regulations	25 Honesty pledge required
Quiz #1	15
Community coalition project	20
<i>Presentation to class - 5</i>	
<i>Paper – 15 points</i>	Honesty pledge required
Quiz #2 (non-cumulative)	15
Voting exercise	5
TOTAL	100

## Course Policies

*Honesty and Ethics:* I take cheating and plagiarism very seriously; it constitutes theft of ideas and unfair advantage over other students. Please take [Honesty Quiz # 1](#) to document your knowledge of the [University's code](#) . There are 3 times when you will be asked to insert and sign the compliance [pledge](#) with the University's code of honesty: the 2 quizzes and your final coalition paper, "I affirm that I have not given or received any unauthorized help on this assignment, and that this work is my own."

*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. If you're not sure what counts as a disability, check out this page:

<https://www.rochester.edu/college/disability/faculty/common-disabilities.html>

General information about disability support services is here:

<https://www.rochester.edu/college/disability/>

## **Course Assignments**

This is an *overview* of course requirements. More detailed information will be given with each assignment.

### Class attendance & participation – 10 points

Class attendance is required. Periodic use of unannounced class sign-in sheets will be used.

Participation likewise is required: this means you must put away all distractions such as laptops, and phones during class.

Reading the assignments is required; intelligent participation also is expected to further discussion of the reading material and the concepts of public health law.

### Voting exercise – 5 points

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

### Legal research exercise – 10 points

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 points

This major exercise teaches how regulations are structured, how to analyze a regulation, and how to file a public comment. Students will write a formal Public Comment in response to two proposed regulations.

### Quiz #1 – 15%

This quiz covers content knowledge from Chapters 1 through 6 in the Gostin text, and class material up to the March break. The format is multiple choice. Questions will be related to the learning objectives.

### Community health coalition project – 20 points - final deadlines vary by date of visit

This project involves an independent out-of-class visit to a community organization meeting to observe policymaking activities. Sign-ups and logistics will be coordinated by the teaching assistant, including information on travel reimbursement. There are 2 components to this assignment: a presentation, worth 5 points, and a paper, worth 15 points.

### Quiz #2 (non-cumulative) – 15%

Quiz #2 will cover Chapters 8 through 13 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.

<b>DATE</b>	<b>TOPIC</b>
1/17/2018	Introduction to course topics; public health topics in the news
1/24/2018	Theory and Definition of Public Health Law (CHAP 1)
1/29/2018	Intro to Policy and the Policymaking Process Framework
1/31/2018	Risk Regulation: A Systematic Evaluation (CHAP 2)
2/5/2018	Current-event Case studies on Paternalism: Motorcycle helmet legislation, Seat belt laws
2/7/2018	Community Health Disparities & Community Coalitions (Guests)
2/12/2018	Legal Research Clinic (Reading Packet) (How to read A Case & Statutes)
2/14/2018	Public Health Law in the Constitutional Design: Public Health Powers and Duties (CHAP 3)
2/19/2018	Constitutional Limits on the Exercise of Public Health Powers: Safeguarding Individual Rights and Freedoms (CHAP 4)
2/21/2018	Public Health Governance: Democracy and Delegation (CHAP 5) (Guest)
2/26/2018	Administrative Law: Direct Regulation for the Public's health and Safety (CHAP 6)
2/28/2018	How to read a regulation; Introduction to the Regulations Exercise Current-events case study: TBD
3/5/2018	GUEST: Community Health Coalitions: Environmental Health Examples
3/7/2018	QUIZ 1
3/19/2018	Catch-up session
3/21/2018	Tort law and the Public's Health: indirect regulation (CHAP 7)
3/26/2018	Taxation, Spending, and the Social Safety Net: Hidden Effects on Public Health (CHAP 8)
3/28/2018	The hospital's role in community health (Guest)
4/2/2018	Surveillance and Public Health Research: Privacy, Security, and Confidentiality of Personal Health Information (CHAP 9)
4/4/2018	Infectious Disease Prevention and Control (CHAP 10)
4/9/2018	Current Events Case Study: Vaccinations and the "anti-vax" movement; California legislation

4/11/2018	Public Health Emergency Preparedness: Terrorism, pandemics, and Disasters (CHAP 11)
4/16/2018	Current Events Case Study: Ebola quarantine attempts (Maine nurse); Zika
4/18/2018	Noncommunicable Disease Prevention: Promoting Healthier Lifestyles (CHAP 12)
4/23/2018	Current Events case studies Tobacco & obesity
4/25/2018	Injury and Violence Prevention from a Public Health Perspective: Promoting Safer Lifestyles (CHAP 13)
4/30/2018	Current Events Case study: Gun control
5/2/2018	Quiz 2 - Last day of class