

PH PSC 230 Public Health Law & Policy

“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)

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PH 230/ PSC 230	Spring 2020	MW 10:25 – 11:40 am LeChase 163
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Course description

Public Health Law and Policy is about the legal and social justice framework for urgent public health issues, such as regulation of vaccinations, tobacco control and non-communicable diseases and injuries. 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 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.

Students also will learn how to identify 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.¹

The course differs from PH 236, *Healthcare and the Law*, (offered in the fall) in that this course PH 230 focuses on **governmental activity** and the health of **populations**. *Healthcare and the Law* focuses on the relationships between medical providers and patients.

Graded work required will be: a field trip(s) to a local health coalition meeting, a Public Comment on proposed regulations, 1 coalition summary paper, 1 policy brief analyzing a public health policy issue, and sundry smaller assignments related to voting, legal research skills, attendance and participation, and a presentation.

Additional assignments, ungraded, will test understanding of the reading assignments.

Course Learning Objectives & Assessments

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

- Research and locate primary law materials (statutes, regulations, cases) (Legal Research Exercise)
- Understand the constitutional sources of powers and duties for public health law
- Identify the individual 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 policymaking process (Coalition Overview, Policy Brief)
- Use new “real world” policy and advocacy skills such as voting and group presentations (Voting Exercise; Presentation)
- Create regulatory Public Comments (Public Comment)
- Create a policy brief (Policy Brief)

Textbooks and Readings

Note: Please use UR Rochester Barnes & Noble for your textbooks. B&N matches all the services that Amazon provides (campus delivery, price matching) plus additional services that Amazon does not (financial aid billing).

If you cannot afford to buy all 4 of the textbooks for this class, you have 2 options:

¹ Travel will be coordinated by TA Matt Quick and travel costs will be reimbursed by the course.

OPTION 1 Do all the reading digitally from the Rush Rhees Library Reserves folder (links will be provided once Rush Rhees has assigned permalinks) and also on Blackboard>Course materials>Textbooks Links) OR

OPTION 2 Purchase the primary book, Gostin’s Public Health Law: Power, Duty, Restraint, **3d** edition, and read the remaining 3 books online via the library Reserves.

1. Lawrence Gostin, **Public Health Law: Power, Duty, Restraint**, 3d 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.
2. **Pocket Constitution** – <https://www.usconstitution.net/const.pdf>
3. **Essentials of Health Justice** by Tobin-Tyler & Teitelbaum (“Health Justice”)
4. **The New Public Health Law** by Burris et al. (“Burris”)

Materials from the textbook may be supplemented with other reading packets available through Blackboard, as well as readings provided by our community partners.

Student Evaluation Rubric

Student mastery of course material will be determined as follows:

Student Evaluation Criteria		
Date ²	Activity	% Grade
Ongoing	Class attendance & participation	15
2/19	Legal research exercise	10
3/30	Public Comment on proposed regulations	35
	Community health coalition project	-----
1 st visit	<i>1 page overview of your coalition</i>	10
4/17	<i>3-5 page policy brief on coalition’s priority issue</i>	20
4/29	<i>Group Presentation on coalition policy</i>	5
4/22	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 test your knowledge of the [University’s code](#). You will be asked to insert and sign the compliance pledge with the University’s code of honesty

² Dates are subject to change depending upon the pace of the class.

for these assignments: coalition overview paper, issue policy brief, public comments, and legislative testimony. “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 (m.mcnulty@rochester.edu) 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 – 15 points

Class attendance is required. Ungraded questionnaires will be used at the end of some classes to assess your understanding of the reading and the lecture. Although individually ungraded, completion will count toward your participation grade.

Participation likewise is required: this means you must put away all distractions such as laptops, tablets, and phones during class. You may use laptops for notetaking and in-class research. I tend to wander the room while lecturing so I will be able to assess whether your laptop usage is compliant.

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

This course has heavy reading loads in some weeks. I have created “Readings and Questions” documents for most of the assigned reading to help you to focus and read more efficiently.

Voting exercise – 5 points

This exercise involves mastering the logistics of informed voting, and the importance of voting to public health issues. The goal is for 100% of the class to be registered to vote.

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 – 35 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 proposed regulations.

Community health coalition projects: Overview, policy brief, presentation – 40 points

This project involves an independent out-of-class visit(s) 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 3 components to this assignment: an

informative 1 page overview of the coalition (10 points), a 3-5pp policy brief on the coalition's issue priority (20 points), and a presentation (5 points).

Periodic ungraded questions at the end of class to check understanding of readings and class content.

Note there is no final exam; therefore, students will be completely done with course work by the end of the last class.

Class Schedule and Lesson Plans

Class #	DATE	TOPIC & READING ASSIGNMENTS
1	1/15/2020	Introduction to course topics; public health law topics in the news
2	1/22/2020	Theory and Definition of Public Health Law; Health Justice <ol style="list-style-type: none"> 1. Readings and Questions³ Theories 2. Gostin, CHAP 1 3. Health Justice: Intro and Chap 1
3	1/27/2020 Heavy reading week	Intro to Policy and the Policymaking Process Framework <ol style="list-style-type: none"> 1. Readings and Questions, Policymaking 2. Birkland Ch 1 Intro to the Policy Process 3. Wilensky Ch 2 Policy and the Policymaking Process
4	1/29/2020	Intro to Community Health Coalitions <ol style="list-style-type: none"> 1. Readings and Questions Coalitions 2. Birkland Ch 6 Agenda Setting, Groups, and Power 3. Burris Ch 15 Strategic Considerations, Ch 17 Public Health Advocacy 4. University of Kansas Community Tool Box- Browse the Table of Contents – Then read Toolkit 11 Influencing Policy Development, and Chapter 5, Sections 5 and 6 (Creating and Maintaining a Coalition)
5	2/3/2020	Justifications for Public Health Regulation <ol style="list-style-type: none"> 1. Readings and Questions PH Regulation 2. Burris Ch 10 State and Local Public Health Authority 3. Blackboard PDF: “Public Health Paternalism: A Case Study on Motorcycle Helmet Laws”
6	2/5/2020	Paternalism <ol style="list-style-type: none"> 1. Readings and Questions Paternalism 4. Paternalism reading packet – In-class exercise
7	2/10/2020	Legal Research Clinic: How to Find a Law <ol style="list-style-type: none"> 1. Readings and Questions Legal Research 2. U.S. Constitution - Articles I – IV, Bill of Rights (Amendments 1 - 10), Amendment 14 3. Library Guide to Law (access this through Blackboard, “Library Resources” link – skim the different tabs – note how complex finding the law can be!) 2. Instructions (@BB>Assignment materials>Legal research homework)
8	2/12/2020	Community Health Inequities GUEST Community Health Inequities & Community Coalitions (Dr Candice Lucas) <ol style="list-style-type: none"> 1. Readings and Questions Inequities 2. Common Ground Health, Executive Summaries of 3 reports (see R&Q document for links)

³ “Readings and Questions” are designed to help you read large amounts of material efficiently, by guiding you to focus on what is important in the reading.

		3. Health Justice, Chapter 2 – The effects of discrimination and implicit bias on health and health care; Chapter 3 - Population Health Disparities
9	2/17/2020	Legal Research Clinic: How to Read A Case 1. <i>How To Read A Case</i> by Orin Kerr 2. Your assigned case
10	2/19/2020 Research HW Due	Constitutional Powers in Public Health 1. Readings and Questions Constitutional Bases 2. Burris Ch 9 Federal Public Health Authority 3. Blackboard PDFs: <ul style="list-style-type: none"> • Corporate Federalism and Marijuana Regulation • The Flint Water Crisis: A Case study on Public Health Duties and Powers
11	2/24/2020	Constitutional Limits on the Exercise of Public Health Powers: Due Process and Equal Protection 1. Readings and Questions Constitutional Limits 2. Blackboard PDF, Jacobson v. Massachusetts 3. Burris Chap 11 Constitutional Limitations Due Process of Law; Chap 12 Equal Protection
12	2/26/2020	Constitutional Limits on the Exercise of Public Health Powers: First and Second Amendment 1. Burris, Chap 13 Constitutional Limits on Public Health: First and Second Amendment
13	3/2/2020	GUEST Community Health Coalitions: Dr Katrina Korfmacher 1. Korfmacher Ch 4 The Coalition to Prevent Lead Poisoning: Promoting Primary Prevention in Rochester, New York from <i>Bridging Silos</i> (MIT PRESS 2019)
14	3/4/2020	Direct Regulation for the Public's Health and Safety 1. Reading Focus Questions Direct Regulation 2. Gostin, CHAP 6 Direct Regulation for the Public's Health and Safety
15	3/16/2020	Public Comments 1. Burris, Ch 14 Administrative Challenges 2. Introduction to the Regulations Exercise (BB>Assignment Materials>Regulations Assignment)
16	3/18/2020	GUEST The role of the local health department in community health coalitions & policymaking, Dr Marielena Velez de Brown, MD MPH, Deputy Commissioner of the Monroe County Dept of Health (confirmed) 1. Review Burris Ch 10 State & Local Public Health Authority 2. Measles Report Form (PDF in BB)
17	3/23/2020	GUEST The hospital's role in community health, Dr. Theresa Green PhD MBA , URM Center for Community Health (Invited) 1. IRS Form 990, Schedule H (Community Benefits) 2. Monroe County Community Health Improvement Plan
18	3/25/2020	Tort liability as indirect regulation: Opioid Epidemic 1. Readings and Questions Tort Liability 2. Gostin, CHAP 7 Tort Law and the Public's Health: Indirect Regulation

		<ol style="list-style-type: none"> 3. Reader Excerpt Tobacco & Obesity Lawsuits [PDF from old Reader, not in current edition] 4. Opioid epidemic packet
19	3/30/2020 Comment HW Due	GUEST Stephanie David, JD MPH, Children’s Health Policy Associate, Common Ground Health (confirmed)
20	4/1/2020	Reproductive Health – Contraception <ol style="list-style-type: none"> 1. Readings and Questions Contraception 2. Read: Healthy People 2020 U.S. Family Planning Objectives (all tabs) <ol style="list-style-type: none"> a. https://www.healthypeople.gov/2020/topics-objectives/topic/family-planning
21	4/6/2020	Reproductive Health – Abortion <ol style="list-style-type: none"> 1. Readings and Questions Abortion 2. Abortion in the U.S.: Factsheet – Update AGI 3. Alan Guttmacher Institute, Abortion: State Laws and Policies, https://www.guttmacher.org/state-policy/laws-policies
22	4/8/2020	Taxation, Spending, and the Social Safety Net: Hidden Effects on Public Health <ol style="list-style-type: none"> 1. Readings and Questions Safety Net 2. Blackboard PDF: A Funding Crisis for Public Health and Safety: A State-by-State Look at Public Health Funding and Key Health Facts 3. Health Justice, Chapter 5 Safety Net Programs
23	4/13/2020 Policy HW Due	Noncommunicable Disease Prevention <ol style="list-style-type: none"> 1. Gostin, CHAP 12 Noncommunicable Disease Prevention: Promoting Healthier Lifestyles E-Cigarette Packet
24	4/15/2020	Infectious Disease Prevention and Control <ol style="list-style-type: none"> 1. Gostin, CHAP 10 Infectious Disease Prevention and Control 2. Immunization packet
25	4/20/2020 Voting HW Due	Injury and Violence Prevention from a Public Health Perspective: Promoting Safer Lifestyles <ol style="list-style-type: none"> 1. Gostin, CHAP 13 2. Gun control packet
26	4/22/2020	Health Justice <ol style="list-style-type: none"> 1. Health Justice, Chapter 7 – Advocating for Health Justice: What You Can Do 2. Burris, Chapter 17 Public Health Advocacy
27	4/27/2020	Policy Brief Presentations (Group)
28	4/29/2020 Presentation HW Due	Policy Brief Presentations (Group)