

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.” (L. Gostin)

SPRING 2022

Monday - Wednesday 1025 - 1140

01/18/2022 - 4/27/2022

<https://rochester.zoom.us/j/98613403755?pwd=aEZYTmozRmVHZklWbWx2bUtpVmpqQT09>

When classes resume in person, we will be in Morey 205.

CONTACT INFORMATION

Prof. Molly McNulty, J.D.

m.mcnulty@rochester.edu

Office hours & location: Morey Room 206, by appointment only

Teaching Assistant Lauren Berry lberry3@u.rochester.edu

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 managing disease outbreaks. 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.

Course organization The syllabus is divided into Modules. Lesson plans, readings and homework instructions can all be found within the relevant Module, where you will find the learning objectives, readings assignments. The assignment submission portals are in a separate folder in the left-hand Blackboard pane. The course is divided into Modules. Module 1 reviews key concepts; Module 2 introduces authority for public health law and reviews constitutional law and its relevance to public health policy, Module 3 teaches practical legal research skills, Module 4 delves into the regulation of public health activities, Module 6 surveys a range of contested health policy issues, and finally Module 7 will be class presentations.

Community health coalition visits 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.² The purpose of the community health coalition field visits will be to attend and observe “real life” community health coalition meetings, so that students can observe the particular stages of policymaking (usually Framing the Problem, and Agenda-Setting) as the Rochester community health coalitions strategize their steps to achieve social and public health justice. The TA will schedule these visits based upon your top 3 preferences, schedule, and transportation needs (a list and description of the participating community health coalitions will be provided as a separate document.)

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

COURSE LEARNING OBJECTIVES

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

1. Understand how to locate primary law materials (statutes, regulations, cases)
2. Analyze constitutional aspects of public health law
3. Analyze how which community health coalitions are involved with policymaking
4. Apply “real world” policy and advocacy skills
5. Create regulatory Public Comments
6. Create a policy brief relevant to coalition’s topic
7. Understand how to engage in civic participation

TEXTBOOKS

The complete Reserves list for this course is available at: <https://tinyurl.com/2p9rcsjn>

REQUIRED

U.S. Constitution And Fascinating Facts About It by Jordan, Terry L., (“Constitution”)

https://rochester.primo.exlibrisgroup.com/permalink/01ROCH_INST/1mn4cn1/alma9978212653205216
[Publisher Permissions: Print/E-mail/Save 100 Pages| Unlimited Copy/Paste | Concurrent User Access (1 Copies Available)]

Hodge, Public Health Law in a Nutshell by James Hodge, 4th Ed. 2021, (“Nutshell”) <https://search-ebSCOhost-com.ezp.lib.rochester.edu/login.aspx?direct=true&db=nlebk&AN=3066530&site=ehost-live>

Tobin-Tyler & Teitelbaum, Essentials of Health Justice: A Primer by Tobin-Tyler, Elizabeth / Teitelbaum, Joel B., (“Health Justice”)

https://rochester.primo.exlibrisgroup.com/permalink/01ROCH_INST/1mn4cn1/alma9978178636005216

RECOMMENDED

Birkland, An Introduction to the Policy Process : Theories, Concepts, and Models of Public Policy Making (Fifth edition. New York : Routledge. 2020),

https://rochester.primo.exlibrisgroup.com/permalink/01ROCH_INST/1v0dcca/cdi_proquest_ebookcentral_EBC5793861

Burris, The New Public Health Law,

https://rochester.primo.exlibrisgroup.com/permalink/01ROCH_INST/1mn4cn1/alma9978210342505216

Wilensky, Essentials of Health Policy and Law, (Fourth Edition 2019/2020),

<https://ebookcentral.proquest.com/lib/rochester/detail.action?docID=5709939>

ASSESSMENTS OF MASTERY OF LEARNING OBJECTIVES

BB Assignment Name	Percent of Course Grade	Deadline
Voting Your Values Exercise	5	02-Feb-22
Legal Research Homework	20	23-Feb-22
Policy Brief Part 1	15	16-Mar-22
Policy Brief Part 2	20	06-Apr-22
Regulations Assignment (Public Comment)	25	20-Apr-22
Attendance	5	27-Apr-22
Participation	5	27-Apr-22
Public Health Law News	5	27-Apr-22

100

SCHEDULE OF TOPICS

CLASS #	CLASS #	CLASS #
	MODULE 1	KEY CONCEPTS
1	1/19/2022	Intro to course
2	1/24/2022	Theory and Definition of Public Health Law; Health Justice
3	1/26/2022	Policy and the Policymaking Process Framework
4	1/31/2022	Community Health Coalitions
5	2/2/2022	Policymaking Part 1
	Module 2	Sources of Legal Authority for Public Health Law
6	2/7/2022	SOURCE & SCOPE OF PUBLIC HEALTH LEGAL POWERS
7	2/9/2022	Constitutional Powers in Public Health: The Role of the U.S. Constitution in Public Health Law
8	2/14/2022	Constitutional Limits on the Exercise of Public Health Powers: Due Process and Equal Protection
9	2/16/2022	Constitutional Limits on the Exercise of Public Health Powers: First and Second Amendment
	MODULE 3	LEGAL RESEARCH
10	2/21/2022	Legal Research Clinic: How to Find Law (Guest Speaker Invited Kathy Wu)
11	2/23/2022	Legal Research Clinic: How to Read A Case
	Module 4	Policymaking in the Executive Branch: Regulations
12	2/28/2022	Direct Regulation for the Public's Health and Safety
13	3/2/2022	Public Comments on Proposed Regulations to Combat Infectious Disease
14	3/14/2022	Indirect Regulation Through the Courts ("Torts")
15	3/16/2022	Monitoring Implementation of Regulations: (Guest Speaker Invited) The hospital's role in community health, Dr. Theresa Green PhD MBA
	Module 5	Mapping Public Health Data to Public Health Policy
16	3/21/2022	Linking Community Issues to Public Health Policy and Law
17	3/23/2022	Policy Brief Part 2 Mapping Public Health Data to Public Health Policy
	Module 6	Hot Issues in Public Health Law
18	3/28/2022	Racism as a Public Health Issue

19	3/30/2022	COVID: Legal controls for infectious disease
20	4/4/2022	COVID: Legal controls for infectious disease
21	4/6/2022	NO CLASS (Mental Health Break)
22	4/11/2022	Reproductive Health (Contraception)
23	4/13/2022	Reproductive Health (Abortion)
24	4/18/2022	Noncommunicable Disease Prevention (Opioid Epidemic)
	Module 7	PRESENTATIONS
25	4/20/2022	In-class time for preparation for team presentations
26	4/25/2022	Community Health Coalition Presentations (Group)
27	4/27/2022	Community Health Coalition Presentations (Group)