PUBLIC HEALTH LAW AND ETHICS

LAW7073

Section 1, Fall 2017

Tuesdays/Thursdays 1410-1530

Room SL298

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Office Hours: Fridays, 9:00 am – 11:00 am

**Course Description:** This class will survey the legal, ethical, and policy issues that affect the health of populations.[[1]](#footnote-1) The range of topics covered will include both domestic and global health problems. A defining feature of this class will be its reliance upon case studies of contemporary public health problems to demonstrate the practical challenges of applying the law to protect public health. For example, in Part I our study will begin with the challenge of public health emergencies, using the Ebola crisis as a case study. In Part II, we will consider the legal tools available to control public health, including immunization, surveillance, mandatory testing, labeling, and advertising controls. We will glean lessons from public health successes and failures, studying, for example, the history and epidemiology of the United States’ HIV/AIDS crisis, and New York City’s experience regulating sugary beverages.

**Reading Materials**: Public Health Law, Ethics, and Policy: Cases and Materials by Richard J. Bonnie and Ruth Gaare Bernheim (Foundation Press, 2015)

**Course Requirements**:

* C**lass attendance, preparation, and participation (15%):** You are required to attend each class session, prepared to discuss the readings assigned for that week. I will take attendance at each class meeting and abide by the Law School’s 80% academic attendance policy. If you must miss class for illness or other unavoidable reasons, to receive credit for the session you must email me prior to class and select an additional case study update assignment in lieu of your participation for that day.

As noted above, this course will use case studies to provide opportunities for discussion of policy and ethical issues that are both contemporary and controversial, such as environmental justice and the public mental and physical health impact of community violence. Therefore, your professionalism and civility will not only be required but will represent a significant component of the class participation grade in this class.
* **Case Study Update (15%):** I will generally employ a voluntary call system for class discussions. However, each student will sign up to provide an update on the most currently available information on one case study of your choice. You will sign up to be “on-call” during the session for the case study you elect to update. For that class, you will be responsible for posting and discussing at least one article that provides recent (post 2015) information about a case study topic.
* **Take-Home Final Examination (70%) –** The major requirement for this course is an open book, open notes, take-home examination.
* **Assigned Readings:** The following schedule of assigned readings is approximate and may change depending on class needs and interests. All required readings are from the course casebook. Optional readings will consist of articles posted on TWEN to update case studies.

**PART I – THE LANDSCAPE OF LAW AND ETHICS IN PUBLIC HEALTH**

1. **AUGUST 31 Introduction: The Domain of Public Health** 1-33
2. **SEPTEMBER 5 History, Policy and Ethics Overview** 33-70
3. **SEPTEMBER 7 The Population Perspective** 149-177
4. **SEPTEMBER 12 Case Study: Ebola** 86-119
5. **SEPTEMBER 14**  **Ebola: Ethical Considerations** 120-147
6. **SEPTEMBER 19 Determinants of Health: Environmental, Behavioral Case Study: Seat Belts** 177-203
7. **SEPTEMBER 21 Determinants of Health: Behavioral, Social** 204-233

**Case Studies: Condoms, Cardiac Disease Control**

1. **SEPTEMBER 26 Determinants of Health: Social** 233-256

**Case Studies: New York Diabetes Initiative, Soda Cap**

1. **SEPTEMBER 28 Governmental Authority: How Far?** 282-315

**Case Studies: Helmet Laws, Tobacco Control**

1. **OCTOBER 3 Government Responsibility: How Much?** 342-377

**Ethical Perspectives, US and South Africa**

1. **OCTOBER 5 Government Authority: Federalism** 377-412

**Case Study: The Affordable Care Act**

 **OCTOBER 10 & 12 – NO CLASS – FALL BREAK**

1. **OCTOBER 17 Government Authority: Preemption** 412 – 433

**Case Study: Medical Marijuana, Firearms**

1. **OCTOBER 19 Community Morality Constraints** 462-498

**Case Study: Teen Pregnancy**

**PART II – THE TOOLS OF PUBLIC HEALTH**

1. **OCTOBER 24 Overview** 501-532

**Case Study: U.S. HIV/AIDS Epidemic**

**Guest Speaker: Angela Solerno**

1. **OCTOBER 26 – Guest Speaker: Michael Cannon**
2. **OCTOBER 31 Prevention and Behavior Change** 552-570

**Case Study: U.S. HIV/AIDS Epidemic** (Byer)

1. **NOVEMBER 2 – NO CLASS**
2. **NOVEMBER 7 Case Study: Needle Exchange** 570-585

**Surveillance** (Ripley)

1. **NOVEMBER 9 Surveillance and Privacy** 587-607
2. **NOVEMBER 14 Surveillance and Public Access** 607-630

**Mandatory Testing/Examination**

1. **NOVEMBER 16 Mandatory Testing/Examination**  640- 656
2. **NOVEMBER 21 Immunization** 689-710

**NOVEMBER 23 – NO CLASS – THANKSGIVING BREAK**

1. **NOVEMBER 28 Immunization** 710-732

**Case Studies: HPV Vaccine, Measles**

1. **NOVEMBER 30 Mandated Treatment 739-759
 Case Study: Tuberculosis (Burgart)**
2. **DECEMBER 5 Elimination of Tuberculosis 778-796**
1. This course is distinguished from LAW7080, Professor Riley’s Health Law Survey class, by its focus on population and community health issues. The survey course focuses primarily on laws, policies, and systems that govern individual health. Student interested in health law will benefit from taking both these courses which are complementary and not mutually exclusive. [↑](#footnote-ref-1)