

HPM 810
Leadership in Public Health Law and Ethics
Fall 2016

Instructors: **John Wiesman, DrPH, MPH**
Secretary of Health, Washington State Department of Health
Adjunct Assistant Professor
Department of Health Policy and Management

E-mail:

Phone:

Gene Matthews, JD
Senior Fellow
North Carolina Institute for Public Health
Gillings School of Global Public Health, UNC Chapel Hill

E-mail: matthewsphlaw@aol.com

Phone:

Teaching Assistant:

Class Meetings: Week of August 14th (in Chapel Hill)
Online sessions
Week of January 3rd, 2017 (in Chapel Hill)

Office Hours: By appointment

Course URL: <http://sakai.unc.edu>

Course Overview:

This 2.0 credit course is designed to provide students with an introduction and overview of critical issues relating to law, ethics, and public health. While a goal of government is to protect and support the health of the public, implementation of health policies may infringe on the rights and liberties of individuals, including businesses. This conflict is sometimes characterized as “private interest versus public good.” This course examines the legal foundations of the American public health system and resulting ethical dilemmas that must be reconciled when the interests of the larger community are at odds with those of individuals.

Health law and ethics are inextricably linked. Throughout the course, discussion will center on conceptual foundations of health law, ethics and human rights and issues relating to these fields. From there, we will explore ways in which government actions on behalf of the public’s health may conflict with the Constitutional rights of individuals and businesses. This includes recognition of the scope and limitations of authority of health organizations, regulation of professions and tort litigation for the public’s health. We will discuss current controversies in public health law and practice, including such topics as surveillance and privacy rights, and issues relating to health promotion, regulation of

commercial speech, and First Amendment rights to freedom of expression. The course concludes by examining future issues and emerging problems in public health, including those related to infectious diseases, bioterrorism, and public health genetics.

Course Objectives:

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

1. Describe the structure and functions of the public health system;
2. Define public health as explained in theory and practice;
3. Review the roles of government, community, and individuals in determining the health of the public;
4. Discuss and evaluate conflicts between private interests and the public good or individual liberty versus governmental and community interests in the health of the public.
5. Recognize principles of cultural competence and apply them in a variety of public health settings.
6. Increase awareness of and sensitivity to issues of race, culture, ethnicity and other issues pertaining to public health law and ethics

Grading and Assignments:

There is a two-tiered grading scheme for this course. Satisfactory completion of all required course components with a total score of 70% or greater earns a P grade. Completion of all components of the course with a total score of 85% or greater plus satisfactory completion of an additional reading assignment earns an H grade.

<u>Assignment</u>	<u>% of Grade</u>
Reaction papers for public health law	30%
Reflection paper for public health ethics & 1 homework	30%
Level and quality of class preparation and participation	40%
<hr/> Total	<hr/> 100%

Reaction papers for public health law (Matthews): Weekly readings or other activities are assigned for Gene Matthews classes on public health law. After completing the work, students will by 8:00 am EST on the Monday morning before the class, for which the work is assigned, submit a brief, informal reaction to the material (not more than one single-spaced page – a paragraph or two will suffice). Reaction papers should be reflective and may address such points as what you learned that surprised you, what you agreed or disagreed with, how you might apply what you’ve learned to a work situation, how the information may have influenced your view on the topic, etc. Papers should not simply summarize or reiterate what the author wrote. Papers should be should be emailed

directly to Gene Matthews. *Please clearly label them with your name and the due date of the reaction paper.*

1 homework assignment for public health ethics: (Due by Friday, September 16th).

Homework:

1. Research if your *profession* has a code of ethics (e.g., physician, epidemiologist, nurse, health administration, philanthropy, etc.). If your profession does, read the code and consider its implications for your work.
2. Research if your *organization* has an ethics code or an ethics policy. If it does, read it and consider its implications for your work.
3. Research if your organization has an ethics committee or board. If it does, read its charter or other descriptive material and consider its implications for your work.

Based on your research, you will write a brief paper, not more than two single-spaced pages in which you briefly summarize what you found, any reactions to what you found, and if there is anything you might incorporate into your practice based on your research. Your paper should reference any web sites or materials you identified in your research.

Reflection paper for public health ethics: (Due Friday, November 18th). This paper (not more than three single-spaced pages) has you reflecting on the ethics portion of this course and how you see the course content and discussions informing your leadership and practice. You may write about things you have already changed in your leadership approach or your practice as a result of this course, about what you want to try to do differently in your job to incorporate moral considerations or an ethical analysis, what you have learned about your organization's structure to address/consider ethics, or how you might influence ethics as an organizational value. These are just ideas to get you thinking. Whatever you want to reflect about, you should write this using the first person point of view and relate it to your leadership, your job, your role, or your organization.

Class Attendance/Participation: Students are expected to come to class prepared to participate in discussions with faculty, fellow learners and guest discussants. Credit for this part of the course is divided into two aspects: attendance and participation. Scores for attendance are simply based on number of online class days attended. Credit for participation is earned by active involvement in discussions with faculty, fellow students and guest discussants.

Additional reading assignment for those working toward an H grade: You will need to read one from a choice of two books:

Option 1: Fadiman, Anne. *The Spirit Catches You and You Fall Down: A Hmong Child, Her American Doctors, and the Collision of Two Cultures* (Farrar, Straus and Giroux, 1998).

Option 2: Skloot, Rebecca. *The Immortal Life of Henrietta Lacks* (Crowne, 2010).

(NOTE: If you have already read both of these books, contact John Wiesman with an alternative book proposal that addresses ethical issues that you would like to substitute).

*You will write a reaction paper about the book not to exceed two single-spaced pages. The paper is **due on Monday, December 12th** (if you need additional time, contact John Wiesman in advance to negotiate an alternative due date).*

Attention: Required Human Subjects Training

The University now requires that all faculty, staff and students who are engaged in the planning, conduct or analysis of research at UNC-Chapel Hill involving human subjects complete an online training module. *This training must be completed before you can begin work on your dissertation.* We recommend that you complete this module during your first semester in the Doctoral Program.

The **Office of Human Research Ethics (OHRE)** is responsible for ethical and regulatory oversight of research at UNC-Chapel Hill that involves human subjects. The OHRE administers, supports, and guides the work of the Institutional Review Boards (IRBs) and all related activities. Any research involving human subjects proposed by faculty, staff, or students must be reviewed and approved by an IRB before research may begin, and before related grants may be funded. OHRE and the IRBs are critical components of the coordinated Human Research Protection Program, which serves to protect the rights and welfare of human subjects.

A link to the online training module and details about the module can be found at <http://ohre.unc.edu/educ.php>. The [Collaborative IRB Training Initiative](https://www.citiprogram.org/default.asp) (CITI) at <https://www.citiprogram.org/default.asp> (direct link to the sign-in page for the module) is a web-based training package on issues relating to human subjects research. The CITI web site is maintained by the University of Miami, with content developed by a national consortium. CITI contains modules on topics like informed consent, vulnerable populations, ethical principles and IRB regulations. Each module has a short quiz at the end to assess understanding. Over 400 institutions are using CITI for their mandatory training.

Required Reading:

Goodman, Richard A., Hoffman, Richard E., Lopez, Wilfredo, Matthews, Gene W., Rothstein, Mark A and Foster, Karen L (Eds). *Law in Public Health Practice, Second Edition*, Oxford, New York: Oxford University Press, 2007.

Bernheim, Ruth Gaare, Childress, James F., Bonnie, Richard J., Melnick, Alan L. *Essentials of Public Health Ethics*, Burlington, MA: Jones & Bartlett Learning, 2015.

DHHS, CDC. *Good Decision Making in Real Time: Public Health Ethics Training for Local Health Departments*. This document can be found on the course website and at <http://www.cdc.gov/od/science/integrity/phethics/trainingmaterials.htm> .

Links to supplementary readings will be sent to learners via email and/or posted on the course web site at <http://sakai.unc.edu>

For those working toward an H grade:

Your choice of one of the two following books:

Fadiman, Anne. *The Spirit Catches You and You Fall Down: A Hmong Child, Her American Doctors, and the Collision of Two Cultures* (Farrar, Straus and Giroux, 1998). Read about the book at <http://www.spiritcatchesyoud.com/>

Skloot, Rebecca. *The Immortal Life of Henrietta Lacks* (Crowne, 2010). Read about the book at <http://www.nytimes.com/2010/02/07/books/review/Margonelli-t.html>

Also Highly Recommended:

There are many excellent resources related to the material in this course. Among them:

Gostin, Lawrence O. *Global Health Law*, Cambridge, MA and London: Harvard University Press, 2014.

Danis, Marion, Clancy, Carolyn, and Churchill, Larry (Eds). *Ethical Dimensions of Health Policy*, Oxford, New York: Oxford University Press, 2002.

Mann, Jonathan, Gruskin, Sofia, Grodin, Michael, and Annas, George (Eds). *Health and Human Rights: A Reader*, New York and London: Routledge, 1999.

The Network for Public Health Law, funded via the Robert Wood Johnson Foundation, provides resources and links on various topics:

<http://www.networkforphl.org/>

Please also see the link to the CDC Public Health Law News and information about how to subscribe: <http://www2a.cdc.gov/phlp/cphln.asp>

Looking for More?

Check out the HealthLawProf Blog at http://lawprofessors.typepad.com/healthlawprof_blog/

UNC HONOR CODE

The principles of academic honesty, integrity, and responsible citizenship govern the performance of all academic work and student conduct at the University as they have during the long life of this institution. Your acceptance of enrollment in the University presupposes a commitment to the principles embodied in the Code of Student Conduct and a respect for this most significant Carolina tradition. Your reward is in the practice of these principles.

Your participation in this course comes with the expectation that your work will be completed in full observance of the Honor Code. Academic dishonesty in any form is unacceptable, because any breach in academic integrity, however small, strikes destructively at the University's life and work.

If you have any questions about your responsibility or the responsibility of faculty members under the Honor Code, please consult with someone in either the Office of the Student Attorney General (966-4084) or the Office of the Dean of Students (6-4042).

Class Schedule:

Week of August 14, 2016

Chapel Hill, NC

Welcome to HPM 810

- Course overview and review of syllabus (Matthews)
- Introductory discussion (Matthews)

September 6th, 4pm class (Matthews) – law class session #1

Introduction to the U.S. Legal System & Public Health Law

Readings:

- Law in Public Health Practice, 2nd Edition:
 - Introduction: The Interdependency of Law and Public Health
 - Perspective: Law and Great Public Health Achievements

Due by 8AM EST Monday, September 5th (Labor Day!): Reaction paper emailed to Matthews

September 6th, 5:35pm class (Wiesman) – ethics class session #1 (NOTE: this reading is more dense and will likely take some time to get through)

Introduction to Public Health Ethics

Readings:

- Essentials of Public Health Ethics
 - Chapter 1: Introduction—A Framework for Public Health Ethics
 - Chapter 2: Moral Considerations—Bases and Limits for Public Health Interventions
 - Chapter 3: The Political and Legal Context of Public Health Ethics

In class we will cover:

- Good Decision Making in Real Time: Public Health Ethics Training for Local Health Departments
 - Pages 4-7, 9-15

Note: Due by Friday, September 16th: Homework assignment regarding code of ethics for your profession and your organization. Email to Wiesman. See homework description on page 3 of the syllabus.

October 4th, 4pm class (Matthews) – law class session #2

Foundations of Public Health Law: The Police Power and its Limits

Readings:

- Excerpts from *Jacobson v. Massachusetts*, 197 U.S. 11 (1905) (to be provided by instructor.)
- Law in Public Health Practice, 2nd Edition:
 - Chapter 1: The Law and the Public's Health: The Foundations
 - Chapter 14: Vaccinations Mandates: The Public Health Imperative and Individual Rights

Due by 8AM EST Monday, October 3rd: Reaction paper emailed to Matthews

October 11th, 5:35 class (Wiesman) – ethics class session #2

Ethics and Public Health Decision Making, Part I

Readings:

- Essentials of Public Health Ethics
 - Chapter 5: Surveillance and Public Health Data—The Foundation and Eyes of Public Health
 - Chapter 6: Case Finding—Screening, Testing, and Contact Tracing
- Public health leadership society. Principles of the ethical practice of public health version 2.2. 2002.

In class we will cover:

- Good Decision Making in Real Time: Public Health Ethics Training for Local Health Departments
 - Pages 16-20,
 - Pages 91-92

October 18th, 4pm class (Matthews) – law class session #3

Public Health in the Legal System

Readings:

- Law in Public Health Practice, 2nd Edition
 - Chapter 2: The Structure of Law in Public Health Systems and Practice
 - Chapter 3: Regulating Public Health: Principles and Application of Administrative Law
 - Chapter 4: Public Health and the Judiciary

Due by 8am EST Monday, October 17th: Reaction paper emailed to Matthews

November 8th, 5:35pm class (Wiesman) – ethics class session #3

Ethics and Public Health Decision Making, Part II

Readings:

- Essentials of Public Health Ethics
 - Chapter 9: Health Communications
 - Chapter 10: Public Health and the Environment
- Good Decision Making in Real Time: Public Health Ethics Training for Local Health Departments
 - Case study on childhood obesity Educational Campaign found on pages 80-84.
 - Come to class prepared to conduct an ethical analysis of this case

Homework:

1. Go to web site: <http://www.npr.org/blogs/thesalt/2012/09/27/161831449/new-anti-obesity-ads-blaming-overweight-parents-spark-criticism> and
 - a. Play the YouTube video

- b. At the top of that page, listen to the Morning Edition story
2. Go to the web site: <http://bitchmagazine.org/post/childhood-obesity-campaign-still-bullying-fat-kids>
 - a. Play the videos
 - b. Read the web page
3. Go to web site: http://www.nytimes.com/2012/05/02/business/media/campaign-promotes-healthy-eating-habits-in-children.html?_r=0 and read the article
4. Go to web site: http://www.heart.org/HEARTORG/GettingHealthy/HealthierKids/HowtoMakeHealthyHome/Top-10-Tips-to-Help-Children-Develop-Healthy-Habits_UCM_303805_Article.jsp
 - a. Read the web page
 - b. Scroll to bottom and click on watch our healthier kids videos
5. Go to web site: <http://www.theatlantic.com/health/archive/2012/09/obesity-campaigns-the-fine-line-between-educating-and-shaming/262401/> and read the web page
6. Go to web site: <http://www.letsmove.gov/>
 - a. Scroll to bottom and find the 5 simple steps to success and click on the parents, kids, school, and more links
 - b. Explore the rest of the site as you have time

Note—Due by Friday, November 18th: Your public health ethics reflection paper (see description on page 3 of this syllabus.) Email to Wiesman.

November 22nd, 4pm class (Matthews) – law class session #4

The Law of Public Health in Emergency Situations

Readings:

- Law in Public Health Practice, 2nd Edition
 - Chapter 7: International Considerations
 - Chapter 11: Legal Authorities for Interventions in Public Health Emergencies
- Additional readings to be provided regarding the Andrew Speaker 2007 International TB Case

Due by 8am EST Monday, November 21: Reaction paper emailed to Matthews

Note: Final Assignment for Matthews is to submit 2 Questions for December 6th class discussion is due Wednesday, November 23rd!

November 29th, 5:35pm class (Wiesman) – ethics class session #4

Ethical Issues in Public Health Genomics

Guest Discussant: Lynn Dressler, DrPH - Director of Personalized Medicine and Pharmacogenomics, Mission Health, Fuller Genetics Center, Asheville, NC

Readings:

- Journal Articles

- Dressler LG. Integrating personalized genomic medicine into routine clinical care: Addressing the social and policy issues of pharmacogenomics testing. N C Med J. 2013;74(6):509-513.
- Manolio TA, Chisholm RL, Ozenberger B, et al. Implementing genomic medicine in the clinic: The future is here. Genet Med. 2013;15(4):258-267.
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Note: For an H grade, you should turn in your reflection paper on Monday, December 12th for the additional reading assignment (see description on page 3 of this syllabus.) Email to Wiesman.

December 6th, 4pm class (Matthews) – law class session #5

The Practical Intersections of Public Health Law, Leadership, and Policy Development

Guidance will be provided to prepare 2 questions for general discussion regarding legal / policy issues in U.S. public health between 1980 & present.

Due by Wednesday, November 23: Instead of a final reaction paper for this class, please submit two written questions of your choice to ask Gene about any course topic. Questions can include any CDC legal or policy decisions or any public health political & leadership issues taking place anytime since 1980.

Gene Matthews will provide written answers back to you before the Dec. 6th class to serve as the basis for what is usually an interesting concluding discussion.