

UNC HPM 810 Syllabus
Leadership in Public Health Law and Ethics
Fall 2017

Instructors:

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In-Person Meetings: Week of August 13th (in Chapel Hill)
9 online synchronous learning sessions
First week of January 2018 (in Chapel Hill)

Office Hours: By appointment

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

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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 and interventions may infringe on the rights and liberties of individuals and 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.

Learning Objectives and HPM Competencies

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

Course Learning Objective	Competencies
1. Describe the structure and functions of the public health system	Develop policy advocacy strategies at the legislative, administrative, or judicial levels to influence health policies
2. Define public health as explained in theory and practice	Integrate scientific information, legal and regulatory approaches, ethical frameworks, and varied stakeholder interests in policy development and analysis
3. Review the roles of government, community, and individuals in determining the health of the public	Integrate ethics and professionalism into organizational and community settings
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	Integrate knowledge, approaches, methods, values and potential contributions from multiple professions and systems in addressing public health programs
5. Recognize principles of cultural competence and apply them in a variety of public health settings	Integrate knowledge of cultural values and practices in the design of public health policies and programs
6. Increase awareness of and sensitivity to issues of race, culture, ethnicity and other issues pertaining to public health law and ethics	Propose strategies to promote inclusion and equity within public health programs, policies, and systems

Grading, Assignments, and Expectations

There is a two-tiered grading scheme for this course.

- **To receive a P (Pass)**, satisfactory completion of all required course components noted in the table below, with a total score of 70% or greater.
- **To receive an H (High pass)**, satisfactory completion of all required course components noted in the table below, with a total score of 85% or greater and satisfactory completion of an additional reading assignment described below.

Required Course Components:

<u>Assignment</u>	<u>% of Grade</u>
Reaction papers for public health law	30%
Homework and reflection paper for public health ethics	30%
Level and quality of class preparation and participation	40%
Total	100%

Reaction papers for public health law (Matthews):

Class session 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 emailed directly to Gene Matthews at matthewsphlaw@aol.com.
- Please clearly label at the top of your paper your name and the due date of the reaction paper.

This is the feedback you can expect from Gene Matthews on the “law” reaction papers:

- His thoughts and reactions to your content and research.
- Questions to which he wants you to give further consideration, some of which he may ask you to respond directly to him about or just for you to give personal reflection.
- Feedback will occur as email comments.
- Some issues you raise may be discussed during our class conversation.
- You will not receive “points” or a “grade” on this individual assignment.

Homework assignment for public health ethics (Wiesman—Due Friday, September 8th):

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.
4. Based on your research, write a brief paper (not more than two single-spaced pages) in which you *briefly* summarize what you found, and then focus your paper on your thoughts and reactions to what you found.
 - Your paper should include endnotes for any web sites or materials you identified in your research (not part of the page limit).
 - Papers should be emailed directly to John Wiesman at johnunc@comcast.net.
 - Please clearly label at the top of your paper your name and “Ethics Homework”.

This is the feedback you can expect from the John Wiesman on this homework assignment:

- His thoughts and reactions to your content and research.
- Questions to which he wants you to give further consideration, some of which he may ask you to respond directly to him about or just for you to give personal reflection.
- Feedback will occur as imbedded comments in a Word document.
- You will not receive “points” or a “grade” on this individual assignment.

Reflection paper for public health ethics (Wiesman—Due Friday, November 10th):

This paper has you reflecting on the ethics portion of this course and how you see the course content and discussions informing your leadership approach and your practice. You may write about things you have already changed in your leadership or work as a result of this course, things you want to do differently in your job to incorporate moral considerations or ethical analysis (along with your action plan to do that), and/or how you are working to influence ethics as an organizational value. These are just ideas to get you thinking. The point is to make this paper useful and meaningful to you, not the instructor; something that you may want to periodically review in your career to remind you of your ethical practice. Give consideration to the competencies that are to be developed in this course, which are listed earlier in the syllabus.

- You should write this paper in the first person (use “I”).
- Limit your paper to no more than three single-spaced pages (it is fine to have fewer pages as long as what you are writing is meaningful).
- Papers should be should be emailed directly to John Wiesman at johnunc@comcast.net.
- Please clearly label at the top of your paper your name and “Ethics Reflection Paper”.

This is the feedback you can expect from John Wiesman on this reflection paper:

- His thoughts and reactions to your reflections.
- Questions to which he wants you to give further consideration, some of which he may ask you to respond directly to him about or just for you to give personal reflection.
- Feedback will occur as imbedded comments in a Word document.
- You will not receive “points” or a “grade” on this individual assignment.

Additional reading assignment for those working toward an H grade (Wiesman—Due Monday, December 11th):

To receive an H grade, you will need to read one of the two books below and write a reaction paper. If you have already read both books, contact John Wiesman with an alternative book that you would like to read that addresses ethical issues.

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).

This paper should contain your reactions to the book. For example, what did you learn about ethical dilemmas and decision-making, what insights have you gained into your practice based on the reading, and how might you use this in your practice/life? Do not summarize the book—this is not a book review, it is a reaction paper. Give consideration to the competencies that are to be developed in this course, which are listed earlier in the syllabus.

- Limit your paper to no more than two single-spaced pages (it is fine to have fewer pages as long as what you are writing is meaningful).
- Papers should be should be emailed directly to John Wiesman at johnunc@comcast.net.
- Please clearly label at the top of your paper your name and “Book Reaction Paper”.

This is the feedback you can expect from John Wiesman on this additional reading:

- His thoughts on your reflections.
- Questions to which he wants you to give further consideration, some of which he may ask you to respond directly to him about or just for you to give personal reflection.
- Feedback will occur as imbedded comments in a Word document.
- You will not receive “points” or a “grade” on this individual assignment.

Class attendance/participation:

Credit for this part of the course is divided into two aspects: attendance and participation.

Attendance is expected. Missing a class is only acceptable for a conflict you really can’t avoid. If you are going to miss a class, you are to email the instructor as far in advance as you can and you may be asked to listen to the class recording and/or submit something in writing (such as answers to a case study). Scores for attendance are simply based on number of online class days attended.

Students are expected to come to class having read the materials and being prepared to participate in discussions with faculty, fellow learners, and guest discussants. Credit for participation is earned by active involvement in discussions with faculty, fellow students, and guest discussants. Your discussion should demonstrate the development and acquisition of the competencies described in the learning objectives section found earlier in this syllabus.

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>

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>

Recognizing, Valuing, and Encouraging Diversity

The importance of diversity is recognized in the mission statement of HPM. In the classroom, diversity strengthens the products, enriches the learning, and broadens the perspectives of all in the class. Diversity requires an atmosphere of inclusion and tolerance, which oftentimes challenges our own closely-held ideas, as well as our personal comfort zones. The results, however, create a sense of community and promote excellence in the learning environment. This class will follow principles of inclusion, respect, tolerance, and acceptance that support the values of diversity.

Diversity includes consideration of: (1) life experiences, including type, variety, uniqueness, duration, personal values, political viewpoints, and intensity; and (2) factors related to “diversity of presence,” including, among others, age, economic circumstances, ethnic identification, family educational attainment, disability, gender, geographic origin, maturity, race, religion, sexual orientation, social position, and veteran status.

UNC Honor Code, Plagiarism, and Citation

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 (966 4042).

Read “The Instrument of Student Judicial Governance” (<http://instrument.unc.edu>).

Note: We strongly encourage students to review the UNC Health Sciences Library information on plagiarism and citing sources. It only takes about 15 minutes to review, and is available at: <http://www.hsl.unc.edu/Services/Tutorials/PlagiarismTutorial/intro.html>.

Accommodations for People with Disabilities or Certain Medical Conditions

UNC-CH supports all reasonable accommodations, including resources and services, for students with disabilities, chronic medical conditions, a temporary disability, or a pregnancy complication resulting in difficulties with accessing learning opportunities.

All accommodations are coordinated through the UNC Office of Accessibility Resources & Services (ARS), <http://accessibility.unc.edu>; phone 919-962-8300, email accessibility@unc.edu. Students must document/register their need for accommodations with ARS before accommodations can be implemented.”

Course Evaluation

HPM participates in the UNC-CH’s online course evaluation system, enabled at the end of each semester by DigitalMeasures. Your responses will be anonymous, with feedback provided in the aggregate. Open-ended comments will be shared with instructors, but not identified with individual students. Your participation in course evaluation is an expectation, since providing constructive feedback is a professional obligation. Feedback is critical, moreover, to improving the quality of our courses, as well as for instructor assessment.

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.

Class Schedule

Week of August 13, 2017 Chapel Hill, NC

Welcome to HPM 810

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

August 29th, 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
- Matthews G, Burris S, Ledford SL, Baker EL, Advocacy for Leaders: Crafting Richer Stories for Public Health. *Journal of Public Health Management and Practice* May–June 2016;22(3):311–5
<http://journals.lww.com/jphmp/pages/articleviewer.aspx?year=2016&issue=05000&article=00014&type=Fulltext>
- Matthews G, Burris S, Ledford SL, Gunderson G, Baker EL Crafting Richer Public Health Messages in a Turbulent Political Environment, *Journal of Public Health Management and Practice* July-August 2017;23(4):420–3
http://journals.lww.com/jphmp/Fulltext/2017/07000/Crafting_Richer_Public_Health_Messages_for_A.15.aspx

Due by 8AM EST Monday, August 28th: Reaction paper emailed to Matthews

September 5th, 5:35pm class (Wiesman) – ethics class session #1 (NOTE: this reading is more dense and will take significant 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

Reminder: Due by Friday, September 8th: Homework assignment regarding code of ethics for your profession and your organization.

September 12th, 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

September 26th, 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, September 25rd: Reaction paper emailed to Matthews

October 10th, 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 9th: Reaction paper emailed to Matthews

October 24th, 5:35pm class (Wiesman) – ethics class session #3

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.

October 31st, 5:35pm class (Wiesman) – ethics class session #4

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

Advance Preparation:

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/HowtoMakeaHealthyHome/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

Reminder—Due by Friday, November 10th: Your public health ethics reflection paper.

Looking Ahead—for an H grade, keep in mind you should turn in your reflection paper on Monday, December 11th for the additional reading assignment

November 14th, 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 13: Reaction paper emailed to Matthews

Note: Final Assignment for Matthews is to submit 2 Questions for December 5th class discussion is due Friday, November 17th!

December 5th, 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 Friday, November 17th: 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. 5th class to serve as the basis for what is usually an interesting concluding discussion.

Reminder: For an H grade, you should turn in your reflection paper on Monday, December 11th for the additional reading.