

PUBLIC HEALTH LAW AND ETHICS

Course number 6421 (3 credit hours)

2020 Summer Term A: May 11 -- June 19

T/Th: 5:00pm – 8:00pm

Room: Online lectures through Zoom

Instructor: Brian Boelens, J.D.

Phone: 352-273-7006

Email: bboelens@ufl.edu

Office hours: After class or by appointment

Required Texts:

- 1. Taking Sides: Clashing Views on Bioethical Issues, 15th edition, Gregory Kaebnick, ISBN 978-0-07-813949.**
- 2. Course packet of legal and ethical cases.**

COURSE OBJECTIVES:

The health of citizens is a fundamental tenet of American government. Federal, state and local government actions that aim to protect the public's health may infringe upon the rights given to individuals by the U.S. Constitution. This course will examine through practical examples and case studies the legal and ethical boundaries governing legislators, lawyers, judges, public health authorities and juries contemplating a variety of government actions aimed at protecting public health. The course will examine the legal foundations of the American public health system as well as the legal and ethical issues that arise from balancing individual liberties with the government's interest in protecting all citizens' wellbeing.

After completing this course, students should have the ability to understand the structure and operations of the public health system, understand the continually evolving role of government, community and citizens in public health law and understand how the judicial process attempts to resolve conflicts between individual liberties and the government's interest in public health for all citizens. The course will utilize actual federal and state court decisions from a variety of public health tort litigation settings to give students exposure to many important public health legal and ethical issues including health promotion and communication, infectious disease control, immunization testing and screening, drugs and society and the regulation of businesses and professions.

This course will begin with an overview of how the American government system works by discussing the concept of separation of powers in the context of constitutional amendments designed to improve the tort litigation system. After a gaining a general understanding of how the legal system functions, students will then read, discuss and debate court decisions and ethical issues involving the important topics of public health theory and

practice. Students will leave the course understanding how the legal system addresses public health legal and ethical issues and be equipped with the knowledge and skills necessary to impact the field of public health.

COURSE REQUIREMENTS:

The course is three (3) credit hours and meets two times a week on Tuesday and Thursday. Class discussions and debate will require thought and consideration of the assigned readings before class. Students will participate actively in the course and will gain assessment, analysis and advocacy skills. Due to the high value placed on participation and discussion, 20% of your final grade depends upon your class attendance and participation. Each student will also choose a topic that is approved by the professor to present during class. The presentation should include citations and will count for 25% of the final grade. Additionally, there will be a mid-term exam during class that will count for 25% of your final grade. The final exam will be during class and counts for 40% of your final grade.

Weekly participation	= 20%
Midterm exam	= 25%
Presentation	= 25%
Final exam	= 30%

An optional extra credit paper examining a topic in public health law and ethics of the students' choice and approved by the professor will also be made available to interested students. The 8 to 10 page paper should include scholarly citations and will count for 25% of the final grade. Students who select the extra credit paper may either choose the paper to replace 25% of their midterm exam or 25% of their final exam grade. Students must take both the midterm and final exam.

CLASS POLICIES

Policy Related to Make up Exams or Other Work:

As a graduate level course, make up exams and late assignments will not be accepted absent extreme circumstances. Prior approvals are also required unless impossible as well as appropriate documentation of the emergency causing the conflict. Late assignments not meeting the above criteria will not be accepted or graded.

Policy Related to Required Class Attendance

Class attendance is required unless a student has a University approved conflict. Failure to attend class will result in a lower participation grade. Students who miss class also do not master the material as well and therefore almost always have lower exam and simulation grades.

For information regarding the UF Attendance Policy see the Registrar website for additional details: http://www.registrar.ufl.edu/catalogarchive/01-02catalog/academic_regulations/academic_regulations_013_.htm

STUDENT EXPECTATIONS, ROLES, AND OPPORTUNITIES FOR INPUT

Expectations Regarding Course Behavior

Active participation in each class is expected. Students who participate in an informed, considerate manner receive credit toward his/her participation grade for the course. The course is designed to facilitate frequent debate, challenge viewpoints, and provide public speaking confidence. This requires genuine listening, respect for opposing viewpoints, and a willingness to disagree gracefully. Students who exhibit contrary behavior will be asked to leave class for the class period.

Communication Guidelines

For course questions, please email the instructor or see the instructor immediately after class. If the inquiry requires significant time, the instructor will arrange time to meet with the student before the next class week.

Academic Integrity

Students are expected to act in accordance with the University of Florida policy on academic integrity. As a student at the University of Florida, you have committed yourself to uphold the Honor Code, which includes the following pledge:

“We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity.”

You are expected to exhibit behavior consistent with this commitment to the UF academic community, and on all work submitted for credit at the University of Florida, the following pledge is either required or implied:

“On my honor, I have neither given nor received unauthorized aid in doing this assignment.”

It is your individual responsibility to know and comply with all university policies and procedures regarding academic integrity and the Student Honor Code. Violations of the Honor Code at the University of Florida will not be tolerated. Violations will be reported to the Dean of Students Office for consideration of disciplinary action. For additional information regarding Academic Integrity, please see Student Conduct and Honor Code or the Graduate Student Website for additional details: <https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>
<http://gradschool.ufl.edu/students/introduction.html>

Please remember cheating, lying, misrepresentation, or plagiarism in any form is unacceptable and inexcusable behavior.

SUPPORT SERVICES

Accommodations for Students with Disabilities

If you require classroom accommodation because of a disability, you must register with the Dean of Students Office <http://www.dso.ufl.edu> within the first week of class. The Dean of Students Office will provide documentation to you, which you then give to the instructor when requesting accommodation. The College is committed to providing reasonable accommodations to assist students in their coursework.

Counseling and Student Health *optional in UF Template*

Students sometimes experience stress from academic expectations and/or personal and interpersonal issues that may interfere with their academic performance. If you find yourself facing issues that have the potential to or are already negatively affecting your coursework, you are encouraged to talk with an instructor and/or seek help through University resources available to you.

- The Counseling and Wellness Center 352-392-1575 offers a variety of support services such as psychological assessment and intervention and assistance for math and test anxiety. Visit their web site for more information: <http://www.counseling.ufl.edu>. On line and in person assistance is available.
- You Matter We Care website: <http://www.umatter.ufl.edu/>. If you are feeling overwhelmed or stressed, you can reach out for help through the You Matter We Care website, which is staffed by Dean of Students and Counseling Center personnel.
- The Student Health Care Center at Shands is a satellite clinic of the main Student Health Care Center located on Fletcher Drive on campus. Student Health at Shands offers a variety of clinical services. The clinic is located on the second floor of the Dental Tower in the Health Science Center. For more information, contact the clinic at 392-0627 or check out the web site at: <https://shcc.ufl.edu/>
- Crisis intervention is always available 24/7 from:
 - Alachua County Crisis Center: (352) 264-6789

<http://www.alachuacounty.us/DEPTS/CSS/CRISISCENTER/Pages/CrisisCenter.aspx>

BUT – Do not wait until you reach a crisis to come in and talk with us. We have helped many students through stressful situations impacting their academic performance. You are not alone so do not be afraid to ask for assistance.

ASSIGNED READINGS¹

WEEK ONE: INTRODUCTION TO PUBLIC HEALTH LAW AND ETHICS

5/12: Introduction to the American Legal System: Federalism, Police Powers of States, and Constitutional Individual Rights

Course Packet: US Constitution and Separation of Powers
Introduction of how to FIRAC a case

Law: Jacobson v. Massachusetts: The scope of police powers

Ethics: Issue 19: Should vaccination for HPV be mandated for teenage girls?

5/14: State Police Powers v. Individual Rights

Law: Jew Ho v. Williamson: Limits on police powers

Ethics: Issue 16: Is an individual mandate to purchase health insurance fair?

WEEK TWO: LEGAL AND ETHICAL ISSUES OF PUBLIC HEALTH PROMOTION AND COMMUNICATION

5/19: Legal and Ethical Issues of Public Health Promotion and Communication

Law: Benning v. Vermont: Gov't regulation of harmful behavior

Ethics: Issue 13: Should performance-enhancing drugs be banned from sports?

5/21: Legal and Ethical Issues of Public Health Promotion and communication

Law: Deshaney v. Winnebago: Limitations on government responsibilities

Ethics: Issue 6: Should physicians be allowed to assist in patient suicide?

WEEK THREE: MIDTERM APPLICATION OF LEARNINGS AND MIDTERM EXAM

5/26: Application of Public Health Law and Ethics to Current Events/ Course Mid-Term Review

Ethics: Issue 20: Should there be a market in human organs?

5/28: Midterm Exam!

¹ Note that this topical course schedule is subject to change as the instructor sees fit in order to adapt to student interests and evolving current events.

WEEK FOUR: PUBLIC HEALTH REGULATION OF BUSINESSES AND PROFESSIONS

6/2: Public Health Regulation of Businesses and Professions

Law: Dent v. West Virginia: Public health agencies' regulatory powers of professions

Ethics: Issue 11: Should pharmacists be allowed to deny prescriptions on the grounds of conscience?

6/4: Public Health Regulation of Businesses and Professions

Law: South Dakota v. Dole: Federal gov't power to influence states and private behavior using the power to tax and spend

Ethics: Issue 10: Should physicians be allowed to participate in executions?

WEEK FIVE: PUBLIC HEALTH LEGAL AND ETHICAL ISSUES OF DRUGS, INFECTIOUS DISEASE AND SOCIETY

6/9: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

Law: Ferguson v. City of Charleston: Drug testing, screening, and special needs doctrine

Ethics: Issue 9: Should a pregnant woman be punished for exposing her fetus to risk?

6/11: Legal & Ethical Issues of Drugs, Infectious Disease, & Society

Law: Brown v. Stone: Vaccination objections and religious exceptions

Ethics: Issue 2: May surrogate decision makers terminate care for a person in a persistent vegetative state?

-OR-

Issue 3: Should adolescents be allowed to make their own life and death decisions?

WEEK SIX: APPLICATION OF LAW AND ETHICS COURSE LEARNINGS

6/16: Final Exam!

6/18: Presentations