

SYLLABUS  
Public Health Fall 2004  
Tuesday and Thursday 3:30-4:45  
COURSE NUMBER 6305-001  
ROOM 202

Prof. Jennifer Bard  
Office: Room 316  
Secretary: Mrs. Norma Tanner  
3<sup>rd</sup> Floor Work Area  
806.742.3990, ext. 265

Welcome to Public Health Law. The World Health Organization defines health as “*a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.*”<sup>1</sup> We will be learning how law plays a role in protecting and improving the health of the public rather than any one particular individual.

#### I. Professor Contact Information

My door is open to you. I very much want to get to know you as individuals and towards that end I will be inviting small groups for coffee at the Koffee cup, a pleasant café near the law school , 2912 Slide Road. You are also very much encouraged to stop by my office. I have set aside a block of time during which you can always know I'm available and sign for an appointment. My office hours are

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<sup>1</sup>*Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19-22 June, 1946; signed on 22 July 1946 by the representatives of 61 States (Official Records of the World Health Organization, no. 2, p. 100) and entered into force on 7 April 1948, available at <http://www.who.int/about/definition/en/>.*

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Monday from 2-4 and Wednesday from 3-5. I am also happy to schedule a meeting with you at any mutually convenient time including the early evening. Please send me an email and we can set up an appointment.

There are a few specific periods of time when I would prefer that you only come to the office if you have an urgent concern that cannot wait until class. These times include the hour before both your class and the Torts class I teach on M,T,Th,F from 1:30-2:20.. I will almost always be in class ten minutes early and will be available to you then.

I also want to make myself available to you to the greatest extent possible outside of business hours. The best way to reach me quickly is through e-mail. [Jennifer.Bard@ttu.edu](mailto:Jennifer.Bard@ttu.edu). I can almost always return an email within 12 hours, usually much faster, unless I have posted a message that I am out of town.

NEITHER MY OFFICE TELEPHONE, 806-742-3990, ext. 349, NOR A NOTE ON MY DOOR (Unless there is a sign-up sheet posted) NOR A NOTE IN MY FACULTY BOX ARE EFFECTIVE WAYS OF REACHING ME UNLESS BACKED-UP WITH AN E-MAIL. WHILE YOU ARE WELCOME TO CALL OR LEAVE ME A NOTE, I CANNOT GUARANTEE A PROMPT RESPONSE TO THE EXTENT I CAN WITH E-MAIL.

During Business hours, Mrs. Tanner is always able to reach me if I am not in my office.

#### Goals of the Course:

1. To understand the role law and lawyers play in preserving, protecting and promoting the public health of a population.
2. To understand the constitutional limits of the state's power to impose public health regulations on individuals.
3. To understand principles of administrative law and legislation which govern public health regulation.
4. To understand the ethical issues that arise in regulating public health.
5. To understand the intertwining jurisdiction of local, state, Federal and International entities with the power to regulate public health in the United States.
6. To understand the role of the International Community in Public Health

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Information about how the Course's structure

### Schedule

We will meet twice a week on Tuesdays and Thursdays from 3:30-4:45 with a ten minute break at 4:15. You all must be in your seats and ready to resume class promptly at 4:25 or I will reconsider the existence of a break.

### Academic Support

We are extremely lucky to have Dr. Amy Jarmon available as the head of academic support. I highly encourage you to attend Dean Jarmon's scheduled presentations for 2<sup>nd</sup> and 3<sup>rd</sup> year students. I also encourage you to see Dean Jarmon individually to discuss any academic issues or difficulties.

### Required Texts

Lawrence O. Gostin, "Public Health Law: Power, Duty, Restraint (University of California Press 2000)

Public Health Law and Ethics, edited by Lawrence O. Gostin (University of California Press 2000)

### Assignments

Assignments for the week will be posted on TWEN and announced in class at least a week in advance. Even if it appears that we do not cover all the reading assigned for a class, you are to always read the assignment for the next class. The assignments will consist of readings from the required texts, supplemental reading that will be made available in paper or posted on the TWEN, and multimedia material that can be watched on your home computers or computers at the law school.

### Public Health in the News

We will start each Thursday with a five minute review of public health issues in the news. In small groups, you will all be assigned specific dates.

### VI. Evaluation

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This is a graded course. All assignments are mandatory. I will grade your exams and issue your final grade without knowing your identity.

*PLEASE READ THOROUGHLY ALL OF THE STANDARDS FOR GRADING AFTER CLASS BEFORE YOU ASK ME QUESTIONS EITHER IN PRIVATE OR IN CLASS.*

Your final grade will be a combination of:

1. An Oral Group Project 25%

2. A Short Answer Closed Book Midterm Exam for which you will be allowed to bring in whatever notes you want on one side of an 8.5" by 11" paper which you must each prepare individually. 35%

3. A Paper or Take-home essay final 40%  
(Please go to next page for further details)

More Details on how you will be evaluated

1. The Oral Report

All students will be required to do a group oral report. This oral report will be 25% of your final grade. These reports will be an extension of the class and therefore the material in them will be tested on the exam.

Students can choose their own groups of five. I will provide a list of topics from which you can choose. I will also entertain proposals for other topics. The reports will take place the last three weeks of class. I will pass out a topic list and listen to proposals for topics. You can form your own groups of five. The report should take the form of a presentation to the class, using power-point or other method, and should be delivered in a creative and interesting way that holds the attention of the class. This Oral report will be graded as follows:

**EACH STUDENT WILL RECEIVE ONE GRADE FOR THE ORAL REPORT**

**WHICH WILL BE THE AVERAGE OF THEIR INDIVIDUAL SCORE AND THEIR**

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**GROUP'S SCORE.**

**BOTH THE INDIVIDUAL AND THE GROUPS SCORE WILL BE GRADED ACCORDING TO THE FOLLOWING STANDARDS:**

- Depth of Research
- Clarity of Presentation
- Effectiveness of Presentation

**YOUR INDIVIDUAL AND GROUP SCORE WILL COME FROM THREE SOURCES**

1. THE CLASS (20%)
2. YOUR GROUP (15%)
3. THE PROFESSOR (65%)

**2. The In-Class Closed Book, limited notes Midterm**

The midterm will be short answer and multiple choice. You will be allowed to bring one 8.5" by 11" sheet of paper that you create yourself into the exam.

This will be 35% of your final grade.

**3. Paper or Take-Home Final.**

You have an option of writing a paper or taking a take-home exam. This will be 40% of your final grade.

Paper option: I have attached my requirements for a paper. If you do not meet any of the deadlines as agreed to in our first meeting, you are subject to not being allowed to write a paper and will automatically be required to take the 24 hour final.

**Classroom Conduct:**

**1. Assigned Seats**

I expect you to be in class each day, on time, in your assigned seat and prepared to discuss that day's reading assignment just as I would expect a lawyer to be present, prompt and prepared in court or at a negotiation or in a meeting with a client.

You may choose any open seat you like with the understanding that after the first class

this will be your assigned seat for the rest of the semester. I reserve the right to re-seat

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any student at any time.

### 2. Attendance

The American Bar Association requires that the law school certify your attendance in class. Therefore I expect you to be in class every day. Recognizing that you are adults with a variety of personal and professional obligations you are allowed to miss four classes for any reason without prior permission and without penalty so long as you e-mail me in advance, or if an emergency shortly afterwards, and realize you are responsible for the content of the classes you miss including any announcements made in class. I will pass around a sign-in sheet. It is your responsibility to find and sign the sheet every day. If you have not signed the sheet, you will be counted as absent. These sheets will be stored in my office. You are responsible for keeping your own record of absences. I am not keeping records for you. Please do not ask me for the number of absences you have accumulated. If there is a dispute, we will have the attendance sheets available to review. Anyone with more than six absences may be excluded from the course as provided in the section of the Law School Student Handbook. Pursuant to Texas House Bill 256, "students are excused from attending classes or other required activities, including examinations, for the observance of a religious holy day. The student shall also be excused for time necessary to travel. An institution may not penalize the student for the absence and allows for the student to take an exam or complete an assignment from which the student is excused. No prior notification of the instructor is required."

In my experience, missing class is the number one factor in poor performance on the exam. Nothing can substitute for the daily interaction with your class-mates. In addition I will be covering material beyond that in the case book.

### 3. Punctuality.

I expect everyone to be in their seats ready to work as soon as class starts. By ready I mean books open, electronic equipment on and back-packs and brief cases closed. If you are unavoidably detained, please come into class quietly and take the first available seat in the back. Should lateness become, in my view, a problem I reserve the right to institute penalties for lateness. I will give you one week's notice if it is necessary for me to do this.

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### 4. Accommodations for Disabilities

Students with disabilities requiring accommodations should contact Dean Shannon or Dean Fortney (if accommodations need to remain confidential) or me (if the accommodations need not remain confidential). All issues relating to accommodations for exams must be raised with Dean Shannon or Dean Fortney.

### 5. On-Call:

Once everyone is in their chosen seat, I will divide the class into sections for the purpose of being on-notice that they will be called on. Although you can be assured that you will be called on during your on-call periods, any member of the class is subject to being called on at any time.

**When there is a guest speaker, everyone is on call.**

### 6. Staying in Touch: The Class Web Site (“TWEN”) and your TTU E-Mail

It is a law school rule that you must check your email and mail box regularly. Please put the word “Public Health Law” in the subject line of any email you send me so that I can identify it quickly. If you cannot access your law school email it is your responsibility to contact the computer help desk immediately.

All assignments and announcements for this class will be posted on the class web site. You must check this website every day at least six hours before class. We will be using a website operated by Westlaw which is called TWEN. You were all given Westlaw passwords and told how to log on to Westlaw during orientation. The email address you provided when registering for Westlaw is the one where you will receive group emails for this class. It is your responsibility to monitor whatever account you registered and, if your email account should change, to make this change on Westlaw.

**THE PASSWORD IS “BARD”**

Once you are logged on to Westlaw you will have the opportunity to log on to the web site for this class. The site is called Bard Torts I and the password is “Bard.” The site will be an integral part of this class. You will need to sign up for the class on the TWEN site on Westlaw by Friday August 27<sup>th</sup>, 2004.

If you have any trouble logging onto TWEN please contact Ms. Sharon Blackburn in

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the library (ext. 281) or the head of Computer Support, Mr. Dan Dean (ext. 228) as soon as possible to get the problem resolved.

Please only approach me with technical TWEN problems if you have exhausted your options with Ms. Blackburn and Mr. Dean.

### **8. Computers and PDAs in Class:**

**\*\*\*All electronic devices must be muted before class begins\*\*\***

You are of course welcome to bring your computers and pdas for note-taking, on the spot legal research and other course related activities. I am always interested in hearing ideas about integrating computer technology in the class room. Your computers are not, however, welcome as sources of distraction or entertainment. Do not search the web unless we do so as a class. Do not email each-other or anyone else during class. Do not do work for other classes. Not only are you interfering with your own learning, but with the learning of those sitting around you.

I like to see your faces as much as possible. Please lower your lap-top when you are talking. Also, please attach your name tag to the back of your lap top so I can see it.

### **9. Cell phones and pagers:**

As adults you all may have responsibilities that require you to bring a cell phone or pager into class. You must use them with the same sense of dignity and decorum you will when you enter practice. If you feel you must answer or reply to a call, please get up quietly, leave the class quietly, and conduct your conversation outside of the room.

### **10. Private Conversations:**

It is distracting to me and your classmates for you to be engaging in private conversations, no matter how low the tones. Please direct all your communications during class time to me.

### **11. Respect For Others:**

I fully endorse the Texas Tech Law School anti-discrimination policy. In addition to that, I require that students treat each-other with the respect and courtesy appropriate for

colleagues. Since discussion will be an important part of this class it is inevitable that you



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will have different points of view. With the number of students in the room it will be necessary to impose some structure so that everyone can benefit fully. If you wish to say something, raise your hand and I will call on you. For these purposes, please consider yourself as in a court room. It is not appropriate to directly respond to another student without raising your hand. It is not acceptable for more than one person to be speaking at once. It is critical that you conduct class discussions at a professional level and that you do not demean, laugh at, or dismiss comments and observations made by other students. The basis of legal practice is to disagree and to explore problems through disagreement. This should not, however, be done in a disrespectful manner.

Please remember that in discussing issues about health and health care we can cause great pain to those who have had personal experience with the issues. If you find a discussion too painful to sit-through, you are welcome to leave the class and discuss the issue with me afterwards.

12. No recording of the class in any format is allowed without my prior permission.

Outline of Topics We Will Cover

Definition of Public Health Law

Constitutional Limits on the Power of Government to Regulate Public Health

How Public Health Law is Created and Enforced in the United States: Administrative Law

Economic Regulation by Public Health Officials

The role of Tort and Criminal law in Protecting the Public's Health

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Conflict of Public Health and Civil Liberties (life style issues)

Privacy Issues in Public Health

Health, Communication and Behavior: Freedom of Expression

Commercial Expression

Infectious Disease

Immunization, Testing and Screening

Restriction of Persons:

Quarantine

Forced Examination and Testing

Forced Treatment

Bioterrorism

International Issues in Public Health Law

Ethical Issues in Public Health Law

Correctional health

Human Subject Research Regulation

Maternal and Fetal Health Issues Environmental Health Regulation

FDA Drug Regulation

(I will consider proposals for other topics for oral reports although I would encourage you to find elements of these listed topics that interest you)

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### Calendar

Tuesday August 24

Thursday August 26

Tuesday August 31

Thursday September 2

Tuesday September 7

Thursday September 9

Tuesday September 14

Thursday September 16 NO CLASS ROSH HASHANA

Tuesday September 21

Thursday September 23

Tuesday September 28

Thursday September 30 MIDTERM EXAM

Tuesday October 5

Thursday October 7

Tuesday October 12

Thursday October 14th

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*Each group will need to meet with Professor Bard for 15-20 minutes to review their proposals for the oral reports. Groups should take advantage of the time they are not meeting with me to meet together.*

Tuesday October 19 Group meetings with Professor re Oral Reports  
Thursday October 21 Group meetings with Professor re Oral Reports  
Tuesday October 26

Thursday October 28

Tuesday November 2

Thursday November 4 No Class- Work Period for Oral Report Preparation

Tuesday November 9 Oral Report Group 1

Thursday November 11<sup>th</sup> Group 2

Tuesday November 16 Group 3

Thursday November 18 Group 4

Tuesday November 23 Group 5

Thursday November 25<sup>th</sup> NO CLASS THANKSGIVING

Tuesday November 30 Group 6

Thursday December 2 Last Class

THIS SYLLABUS IS INTENDED TO INFORM YOU OF MY POLICIES NOT A CONTRACT BECAUSE BY REGISTERING FOR THIS CLASS YOU ARE AGREEING TO ITS TERMS. PLEASE DETACH, SIGN AND TURN IN THE LAST PAGE BY TUESDAY AUGUST 30TH.

**Definition of Public Health**

“The mission of public health is to ‘fulfill society's interest in assuring conditions in which people can be healthy.’ (Institute of Medicine, Committee for the Study of the Future of Public Health, Division of Health Care Services. 1988. *The Future of Public Health*. National Academy Press, Washington, DC)

Public health carries out its mission through organized, interdisciplinary efforts that address the physical, mental and environmental health concerns of communities and populations at risk for disease and injury. Its mission is achieved through the application of health promotion and disease prevention technologies and interventions designed to improve and enhance quality of life. Health promotion and disease prevention technologies encompass a broad array of functions and expertise, including the three core public health functions:

- assessment and monitoring of the health of communities and populations at risk to identify health problems and priorities;
- formulating public policies, in collaboration with community and government leaders, designed to solve identified local and national health problems and priorities;
- assuring that all populations have access to appropriate and cost-effective care, including health promotion and disease prevention services, and evaluation of the effectiveness of that care

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I \_\_\_\_\_ have received and reviewed this syllabus.

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Date \_\_\_\_\_