

HPAA 377
Leadership in Health Law and Ethics
Fall 2005

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Class Meetings: August 22, 30
September 13, 20, 27
October 4, 18, 25
November 8, 15, 29
January (TBA)

Office Hours: By appointment

Course URL: <http://blackboard.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.

The course begins with discussion of the 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.

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 | 15% |
| Discussion questions (PH Ethics modules 1-4) | 10% |
| Case analyses (8) | 25% |
| Level and quality of class preparation and participation | 50% |
| Total | 100% |

Reaction papers: Weekly readings are assigned. After completing the reading assignment, students will by the day of class for which the reading is assigned submit a brief, informal reaction to the reading (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 read 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 delivered to both the TA and instructor via email.

*[Those working toward an H grade will read: 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) and write a reaction paper not to exceed two single-spaced pages. The paper is due by 9 am on Friday, December 9th and late papers cannot be accepted. Space will be available on the Blackboard course site for an optional book "book chat" discussion forum for those reading the book who would like to participate in an ongoing discussion of the book with other cohort members.]*

Discussion Questions/ PH Ethics modules 1-4: Completion of four short online tutorials is required. Written responses to discussion questions at the end of each module should be delivered via email to both the TA and instructor.

Case Analyses: Eight cases are posted on the Blackboard course web site. In keeping with the schedule on the syllabus, students will come to class prepared to participate in case presentations and discussions. Instructions for case presentations are included on the course web site. The cohort will be divided into three groups of three. Three days before class, two groups will send brief PowerPoint presentations of their case analyses to the instructor via email. The third group will come to class prepared to react to the other groups' presentations. Groups will present their case analyses during class time, followed by reaction by members of the third group and discussion. Within two days after class, the third group will send via email to the class and instructor a summary of the key points made in the case presentations. Group assignments will rotate throughout the course.

Class Attendance/Participation: Students are expected to come to class prepared to participate in discussions with faculty, fellow learners and guest discussants, when present. 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.

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 \(CITI\)](https://www.citiprogram.org/default.asp) 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:

Gostin, Lawrence O. *Public Health Law: Power, Duty, Restraint*, Berkeley and Los Angeles: University of California Press, 2000.

Gostin, Lawrence O (Ed). *Public Health Law and Ethics: A Reader*, Berkeley and Los Angeles: University of California Press, 2002.

Texts may be ordered online via Amazon.com, Barnes & Noble, or the University of California Press at <http://www.ucpress.edu/books/pages/9593.html>.

The author maintains a “*Reader* web site” at <http://www.publichealthlaw.net/reader> where learners will find supplementary information, cases, and updates to the *Reader* text.

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

For those working toward an H grade:

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/>

Space will be available on the Blackboard course site for an optional book “book chat” discussion forum for those reading the book who would like to participate in an ongoing discussion of the book with other cohort members.

Also Highly Recommended:

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

Public Health Ethics short online course created by James C. Thomas, MPH, PhD, Associate Professor, Department of Epidemiology, UNC-CH
<http://www.sph.unc.edu/oc/phethics/>

Goodman, Richard A, Rothstein, Mark A., Hoffman, Richard E., Lopez, Wilfredo and Matthews, Gene W. (Eds). *Law in Public Health Practice*, Oxford, New York: Oxford University Press, 2003.

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 Centers for Disease Control and Prevention Public Health Law Program (resources and links on various topics) <http://www.phppo.cdc.gov/od/phlp/index.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:

Note: Shaded sessions indicate NO online meeting that week. Case materials and instructions can be found on the Blackboard course web site.

Session 1: Week of August 22, 2005 Chapel Hill, NC

Welcome to HCLX 377

- Course overview and review of syllabus
- Guest lecture and discussion on cultural competency by Peggy Dilworth-Anderson, PhD, Professor of Health Policy and Administration, UNC-Chapel Hill
- Distribute U.S. Department of Health and Human Services, Office of Minority Health *National Standards for Culturally and Linguistically Appropriate Services in Health Care (Executive Summary)*, Washington, D.C., 2001.
- Distribute and discuss test case for August 30th.

Session 2: August 30, 2005

Testing H.323

In class:

- More discussion of course logistics
- Test case presentations and discussion

Readings:

- Review U.S. Department of Health and Human Services, Office of Minority Health *National Standards for Culturally and Linguistically Appropriate Services in Health Care (Executive Summary)*, Washington, D.C., 2001.
- Review information available at these sites:

Compendium of Cultural Competence Initiatives in Health Care
Kaiser Family Foundation

<http://www.kff.org/uninsured/6067-index.cfm>

Also see:

http://www.kaisernetwork.org/health_cast/hcast_index.cfm?display=links&hc=350&linkcat=61

DiversityRx

<http://www.diversityrx.org/HTML/MOCPT1.htm>

Administration on Aging

http://www.aoa.gov/prof/adddiv/cultural/addiv_cult.asp

Due: Reaction paper

Note that this week's reaction paper can cover Peggye Dilworth-Anderson's lecture and information gleaned from review of CLAS standards and web site info.

Session 3: September 6, 2005

A Theory and Definition of Public Health Law

Readings:

| | |
|---|--------------|
| Public Health Law: Power, Duty, Restraint | Chapter 1 |
| Public Health Law and Ethics: A Reader | Chapters 1-4 |

Also complete:

Public Health Ethics Module 1: Distinguishing Public Health Ethics from Medical Ethics and Public Health Ethics Module 2: Values and Beliefs Inherent to a Public Health Perspective at <http://www.sph.unc.edu/oce/phethics/modules.htm>

Due: Reaction paper for Gostin chapters 1 (Power, Duty ...) and 1-4 (Reader) Exercises (discussion questions) for PH Ethics Modules 1 and 2

Session 4: September 13, 2005

Public Health in the Constitutional Design

Case 1 presentation and discussion

Readings:

| | |
|---|-----------|
| Public Health Law: Power, Duty, Restraint | Chapter 2 |
| Public Health Law and Ethics: A Reader | Chapter 6 |

Also complete:

Public Health Ethics Module 3: The Public Health Code of Ethics and Public Health
Ethics Module 4: Law and Ethics in Public Health at
<http://www.sph.unc.edu/oce/phethics/modules.htm>

*Due: Reaction paper for Gostin chapters 2 (Power, Duty ...) and 6 (Reader)
Exercises (discussion questions) for PH Ethics Modules 1 and 2*

Session 5: September 20, 2005

Constitutional Limits on the Exercise of Public Health Powers

Case 2 presentation and discussion

Readings:

| | |
|---|-----------|
| Public Health Law: Power, Duty, Restraint | Chapter 3 |
| Public Health Law and Ethics: A Reader | Chapter 7 |

Due: Reaction paper

Session 6: September 27, 2005

Public Health Regulation: A Systematic Evaluation

Case 3 presentation and discussion

Readings:

| | |
|---|-----------|
| Public Health Law: Power, Duty, Restraint | Chapter 4 |
| Public Health Law and Ethics: A Reader | Chapter 5 |

Due: Reaction paper

Session 7: October 4, 2005

Public Health Information: Personal Privacy

Case 4 presentation and discussion

Guest Discussant:

Lance Gable, JD, MPH
Project Director, ESAR-VHP Legal and Regulatory Issues Project
Senior Fellow, Center for Law and the Public's Health
Georgetown University Law Center
Washington, DC 20001

Readings:

| | |
|---|------------|
| Public Health Law: Power, Duty, Restraint | Chapter 5 |
| Public Health Law and Ethics: A Reader | Chapter 10 |

Due: Reaction paper

Session 8: October 11, 2005

Health, Communication, and Behavior: Freedom of Expression

Readings:

| | |
|---|------------|
| Public Health Law: Power, Duty, Restraint | Chapter 6 |
| Public Health Law and Ethics: A Reader | Chapter 11 |

Due: Reaction paper

Session 9: October 18, 2005

Immunization, Testing, and Screening: Bodily Integrity

Case 5 presentation and discussion

Readings:

| | |
|---|------------|
| Public Health Law: Power, Duty, Restraint | Chapter 7 |
| Public Health Law and Ethics: A Reader | Chapter 12 |

Due: Reaction paper

Session 10: October 25, 2005

Restrictions of the Person: Autonomy, Liberty, and Bodily Integrity

Case 6 presentation and discussion

Readings:

| | |
|---|----------------------------------|
| Public Health Law: Power, Duty, Restraint | Chapter 8 |
| Public Health Law and Ethics: A Reader | Chapter 13 (also see Chapter 12) |

Due: Reaction paper

Session 11: November 1, 2005

Economic Behavior and the Public's Health: Direct Regulation

Readings:

| | |
|---|-----------|
| Public Health Law: Power, Duty, Restraint | Chapter 9 |
| Public Health Law and Ethics: A Reader | Chapter 8 |

Due: Reaction paper

Session 12: November 8, 2005

Tort Law and the Public's Health: Indirect Regulation

Case 7 presentation and discussion

Readings:

| | |
|---|------------|
| Public Health Law: Power, Duty, Restraint | Chapter 10 |
| Public Health Law and Ethics: A Reader | Chapter 9 |

Due: Reaction paper

Session 13: November 15, 2005

Public Health Law and Reform

Case 8 presentation and discussion

Readings:

Public Health Law: Power, Duty, Restraint
Public Health Law and Ethics: A Reader

Chapter 11
Chapter 14

Also highly recommended: An archived web cast from the 2000 UNC-CH/CDC Public Health Grand Rounds titled Genetics and Public Health: The Future is Now can be found at <http://www.publichealthgrandrounds.unc.edu/genetics/>

You may also be interested in reviewing two model public health statutes, the Model State Emergency Health Powers Act and the Turning Point Model State Public Health Act. These are available at <http://www.publichealthlaw.net/Resources/Modellaws.htm>

Due: Reaction paper

No class: November 22, 2005

Session 14: November 29, 2005

Course Wrap-Up

Review IRB training status

Session 15: January

In person in Chapel Hill

Law and Ethics in Health Administration

Guest speaker: Dean Harris, J.D.

Clinical Associate Professor

Director of the Program in Health Administration Ethics

Department of Health Policy and Administration

UNC-School of Public Health

Understanding How to Work Across Cultures

Guest speaker: Deborah Bender, PhD, MPH

Research Professor

Department of Health Policy and Administration

UNC-School of Public Health

