

Pub Hlth 436: Public Health Law
Summer Term 2007
Syllabus

Date/Time: Tuesdays, 6:00 – 9:00 p.m. or as otherwise agreed upon by students and instructor

Location: 680 N. Lake Shore Dr.

Course Instructor (office hours by appointment only):

Shelley Elias, JD, MPH
s-elias3@northwestern.edu

Course Description

Our government has both the responsibility and the power to protect and advance the health and wellbeing of its populace. This has created a complex network of constitutional, statutory, regulatory, and administrative laws that provide the methods and tools by which federal, state, and local authorities institute health and safety standards.

The government's authority to persuade or compel individuals and businesses to conform to health and safety standards for the collective good often compromises individual liberty. The study of Public Health Law confronts and evaluates the trade-offs between public good and private rights.

The course begins with an overview of the law and the legal system. We will see how the Bill of Rights shapes the discussion and implementation of all public health legislation and regulation. Students will become familiar with terminology used in legal writing. The state and federal court systems will be discussed. Students will learn basic legal scholarship so that they can research public health issues in judicial and legislative source materials.

The federal government has addressed, with questionable success, the health needs of the public with legislated entitlement programs. Regulations, statutes, and ordinances implemented by federal, state, and local governments intertwine forming a complicated and sometimes contradictory network. It is vital for anyone who might be interested in the development of public health policy to understand the dynamics of this framework.

Even if a Public Health research project does not have a clinical or medical component, the Institutional Review Board must pre-approve the investigation. The IRB and its role in the monitoring of human subject research will be introduced.

Finally, we will discuss how changes in public health policy can take place through private litigation as well public legislation.

Course Objectives

Upon completion of the course, students will be able to:

1. identify the various Federal and State sources of public health laws;
2. interpret the language used in legal source materials;
3. locate court cases in case reporters;
4. employ legal research techniques;
5. find statutes and regulations in legal source material;
6. explain the rules regarding the privacy of personal health information;
7. describe the steps in the IRB process;
8. evaluate the influence of private tort litigation on public health issues;
9. explain the limitations and protections that flow from the Bill of Rights;

SYLLABUS FOR PUBLIC HEALTH LAW

No.	IN CLASS DISCUSSION	ASSIGNMENTS
Prior to 1 st class		<ul style="list-style-type: none"> • Read Preface & Chapter 1 & p. 321 of Gostin text • Complete Student Questionnaire (attached to syllabus) and e-mail to: s-elias3@northwestern.edu
1	<ul style="list-style-type: none"> • Background of students • Discuss Preface, Chapter 1, and p. 321 • Discuss <i>CDC Public Health Law News</i> • Core Functions of Public Health • Essential Public Health Services • The importance of Power, Duty, and Restraint in Public Health Law 	<ul style="list-style-type: none"> • Read Chapter 2 • Read "Snow on Cholera" (supplemental reading) • Access <i>CDC Public Health Law News</i>, subscribe at http://www.cdc.gov/subscribe.html • <u>Written assignment</u> based on an article in the <i>CDC Public Health Law News</i>
2	<ul style="list-style-type: none"> • Discuss <i>CDC Public Health Law News</i> • Discuss Chapter 2 • Discuss "Snow on Cholera" • Constitutional Design: 3 branches of gov't • Court System • Case Reporters 	<ul style="list-style-type: none"> • Read Chapter 3 • Read <i>CDC Public Health News</i> • Supplemental reading: legal citation
3	<ul style="list-style-type: none"> • Introduction to the Law School Library • Discuss <i>CDC Public Health Law News</i> • Discuss Chapter 3 • Statutes, Regulations, and Ordinances • Basic Legal Research & citations 	<ul style="list-style-type: none"> • Read Chapter 4 • Study Table 2, Bill of Rights, pp. 63-64 • Read <i>CDC Public Health News</i> • <u>Written assignment</u>: Decipher legal citations • Analyze Fig. 8
4	<ul style="list-style-type: none"> • Discuss <i>CDC Public Health Law News</i> • Review legal citations • Begin Discussion of Chapter 4 • Discuss Bill of Rights • Discuss Police Power • Discuss Due Process • Discuss Means/Ends Test 	<ul style="list-style-type: none"> • Study for Midterm Exam • Read pp. 113 –119 in Chapter 5

No.	IN CLASS DISCUSSION	• ASSIGNMENTS
5	MIDTERM EXAM – 1.5 hours Discuss pp. 113 –119 in Chapter 5	<ul style="list-style-type: none"> • Read remaining pages of Chapter 5 • Read <i>CDC Public Health News</i> • Supplemental Reading (case opinion) TBA
6	<ul style="list-style-type: none"> • Discuss Chapter 5 • Public Benefits v. Private Rights • Discuss case opinion • HIPAA • Privacy and Protected Health Information 	<ul style="list-style-type: none"> • Read Chapter 6 • Supplemental reading TBA • Read <i>CDC Public Health News</i>
7	<ul style="list-style-type: none"> • Discuss <i>CDC Public Health Law News</i> • Discuss Chapter 6 • Discuss Supplemental Reading 	<ul style="list-style-type: none"> • Read Chapters 7 & 8 • Read <i>CDC Public Health News</i>
8	<ul style="list-style-type: none"> • Discuss Chapters 7 & 8 • Governmental restrictions on the person and individual freedom 	<ul style="list-style-type: none"> • Read Chapter 10 (<u>Note: Jump over chapter 9</u>) • Supplementary reading TBA • Read <i>CDC Public Health News</i>
9	<ul style="list-style-type: none"> • Discuss Chapter 10 • Changing Public Health policy by means of non-governmental litigation 	<ul style="list-style-type: none"> • Read Chapter 9 • Read <i>CDC Public Health News</i> • <u>Written Assignment</u>: identify litigation affecting public health policy. Give an example of a judicial opinion resulting from the litigation. Was legislation enacted addressing the change in policy? (Examples: tobacco, firearms, seat belts, lead paint, obesity, environmental damage, helmets, etc.)
10	<ul style="list-style-type: none"> • Discuss Chapter 9 • Discuss written assignment • Discuss regulatory powers of agencies • Discuss "takings" 	<ul style="list-style-type: none"> • Study for Final Exam
	Final Exam – 3 hours Term papers are due by the last day of the summer session	

Student Questionnaire

Please complete this questionnaire and e-mail it to me prior to the first class.

Thanks,

Shelley Elias, JD, MPH
s-elias3@northwestern.edu

Your name:

Your current degree program:

Undergraduate degree and major:

Other graduate degrees and major/field:

Experience related to medicine, health, health care management, public health (if any):

Other current and prior Public Health classes:

Cities & countries of past residence:

Future career plans: