

APPLICATION FOR NEW COURSE

1. Submitted by College of Public Health Date February 24, 2006
Department/Division offering course Health Services Management

2. Proposed designation and Bulletin description of this course

a. Prefix and Number CPH 653 b. Title* Public Health Law & Policy
*NOTE: If the title is longer than 24 characters (including spaces), write
A sensible title (not exceeding 24 characters) for use on transcripts

c. Lecture/Discussion hours per week 3 d. Laboratory hours per week 0

e. Studio hours per week 0 f. Credits 3

g. Course description: Overview of public health law with emphasis on topics and materials used by public health practitioners, as well as the use of law to advance a public health agenda.

h. Prerequisites (if any) Public Health graduate student standing; CPH 663, or consent of instructor.

i. May be repeated to a maximum of 0 (if applicable)

4. To be cross-listed as

Prefix and Number Signature, Chairman, cross-listing department

5. Effective Date Fall 2006 (semester and year)

6. Course to be offered x Fall Spring Summer

7. Will the course be offered each year? Yes No
(Explain if not annually) Based on demand after being offered 4 times, should be offered every 3rd semester

8. Why is this course needed?
Public health law is one of the cross-cutting areas of emphasis in several guidelines for public health curricula.

9. a. By whom will the course be taught? Julia F. Costich

b. Are facilities for teaching the course now available? x Yes No
If not, what plans have been made for providing them?

APPLICATION FOR NEW COURSE

10. What enrollment may be reasonably anticipated? 12
-
11. Will this course serve students in the Department primarily? Yes No
Will it be of service to a significant number of students outside the Department?
If so, explain. Yes No
-
- Will the course serve as a University Studies Program course? Yes No
If yes, under what Area? _____
12. Check the category most applicable to this course
- traditional; offered in corresponding departments elsewhere;
 - relatively new, now being widely established
 - not yet to be found in many (or any) other universities
13. Is this course applicable to the requirements for at least one degree or certificate at the University of Kentucky? Yes No
14. Is this course part of a proposed new program:
If yes, which? Yes No
-
15. Will adding this course change the degree requirements in one or more programs? *
If yes, explain the change(s) below Yes No
-
16. Attach a list of the major teaching objectives of the proposed course and outline and/or reference list to be used.
17. If the course is a 100-200 level course, please submit evidence (e.g., correspondence) that the Community College System has been consulted.
18. Within the Department, who should be contacted for further information about the proposed course?
- Name Julia F. Costich, PhD Phone 7-5678 ext 82026

*NOTE: Approval of this course will constitute approval of the program change unless other program modifications are proposed.

APPLICATION FOR NEW COURSE

Signatures of Approval:

CPH Academic Affairs

[Signature]

CPH Faculty Council

[Signature]

[Signature]
Department Chair

2/21/06
Date

[Signature]
Dean of the College

5-5-06
Date

Date of Notice to the Faculty

*Undergraduate Council

Date

*University Studies

Date

*Graduate Council

Date

TOWNS

5.19.06
Date

*Academic Council for the Medical Center

Date

*Senate Council (Chair)

Date of Notice to University Senate

*If applicable, as provided by the Rules of the University Senate

ACTION OTHER THAN APPROVAL

CPH 653
Public Health Law and Policy

Julia Field Costich, J.D., Ph.D.
College of Public Health
121 Washington Ave., Rm. 105
257-5678 ext. 82026
257-2821 (fax)
Julia.costich@uky.edu

Class schedule and location

[Insert information]

Course description

CPH 653 is an introductory course for non-lawyers in selected aspects of law and policy development related to public health. Major attention is paid to fundamental legal principles and legal reasoning, recurring legal issues confronted by public health agencies, and the use of law to advance a public health agenda. Emphasis is placed on giving students tools to use when they encounter law-related problems in their professional careers. The course is intended for students in all divisions of the College of Public Health.

Prerequisites

Graduate standing in the College of Public Health and CPH 663 (Public Health Practice and Administration), or consent of instructor to waive either requirement. No previous legal experience or training is necessary.

Instructional Methods

Class sessions typically consist of brief introductory lectures by the instructor, a visiting lecturer, or students, followed by guided discussion of assigned textbook readings and original source materials such as court decisions and statutes. The purpose of this instructional method is to expose students to laws and legal concepts in context, and to develop skills in reading and understanding legal materials. Advance preparation and active participation are important.

Course objectives

This class is intended to enable students to:

- Describe the structure and function of the U.S. legal system
- Articulate the general concepts underlying tort and contract law
- Become familiar with the authority and responsibility of government to protect and promote community health, and the limitations imposed by the legal system
- Identify the constitutional and statutory foundations of core public health functions
- Identify and analyze legal issues
- Broaden critical reading, policy analysis and communication skills

- Develop an awareness of the role of law in advocacy for community health
- Work effectively with legal counsel in their public health careers
- Describe the development of public health policy

Course Materials

We will use Goodman et al., *Law in Public Health Practice* (Oxford Univ. Press 2002) as background reading, supplemented by original source materials in a course reader on the course website through Blackboard.

Course Grading

Mid-term exam	20 percent
Final exam	50 percent
Class participation	10 percent
Case presentation/summary	20 percent

The mid-term will be a relatively brief, in-class short answer exam designed to tell the instructor and students how well they are progressing in their understanding of the course materials at that point. The final will be a short answer and essay exam that may be in a take-home format.

Grading scale:

- A: 90-100%
- B: 80-89%
- C: 70-79%
- D: 60-69%
- E: lower than 60%

Public Health Competencies

This course is intended to develop the following public health competencies:

1. Analytical Assessment Skills:
 - a. Define a problem
 - b. Select and define variables relevant to defined public health problems
 - d. Recognize how data illuminates ethical, political, scientific, economic, and overall public health issues
2. Policy Development/Program Planning Skill
 - a. Collect, summarize, and interpret information relevant to an issue
 - b. State policy options and write clear and concise policy statements
 - c. Identify, interpret, and implement public health laws, regulations, and policies related to specific programs
 - d. Articulate the legal, social, and political implications of each policy option

Plagiarism

Quotation without attribution is plagiarism. Quotation from a published legal opinion must be noted with an appropriate citation. Quotation from an Internet-based source must be noted with a complete URL and date. Primary web-based materials used in the

case presentation and summary should be retained in hard copy until the final class grade is issued. The instructor reserves the right to request inspection of source materials used in graded materials.

Attendance policy

Because this class meets only once a week, students with more than two unexcused absences will have their semester grades lowered by 5 percentage points for every additional absence. For these purposes, an absence is defined as missing one hour or more of the class period without an excuse approved by the instructor.

Communication devices:

Students must *turn off* all pagers, cell phones, etc. in the absence of a compelling need to keep them on during class. If there is a compelling need to use the device, it must be switched to “vibrate” or a similar type of silent notification.

Cases and other materials for presentation

Each student will select one of the following cases and prepare an in-class oral presentation of about 15 minutes and a written summary of 5-6 pages. The oral presentations will be made on the dates when the materials appear in the syllabus. The written summaries are due no later than [13th class meeting].

1. *Ferguson v. City of Charleston*
2. *Pelman v. McDonald's*
3. *FDA v. Brown & Williamson*
4. *McCarthy v. Boozman.*
5. *Metabolife Int'l Inc. v. Wornick*
6. *Sindell v. Abbott Labs*
7. *Kelo v. City of New London*
8. *PHARMA v. Walsh*
9. *U.S. v. Morrison*
10. *Planned Parenthood v. Casey*
11. *PGA v. Martin*
12. *Aliessa v. Novello*

CPH 653

Public Health Law and Policy

Course Outline

Week 1. Course overview, pretest, introduction to the U.S. legal system, including the institutions of government at the federal, state, and local levels; sources of law; and concepts of legal rights.

Assigned readings: Text: Introduction and Ch. 1; Shaw and Matthews PowerPoints, U.S. constitution

Week 2. Nature and extent of the government's authority to take action to protect the public's health, and the constitutional and other legal limitations on the government's exercise of that authority. Introduction to constitutional principles of due process and equal protection.

Assigned reading: Goodman ch. 2, 4; Reading a legal opinion/*Commonwealth v. Coffman*; *Lexington-Fayette County Food & Beverage Ass'n v. LFUCG*, other smoking ban cases, *PHARMA v. Walsh*.

Week 3. Role of the judiciary in public health. Visiting speaker.

Frontline public health: Challenges and dilemmas relating to confinement of individuals for prevention or treatment of disease; public health and law enforcement; legal issues posed by multidrug resistant tuberculosis; distinction between procedural and substantive rights. First and Fourth Amendment issues in public health and AIDS. Public health and drug abuse.

Assigned reading: Judge Linda Chezem essay on Blackboard; Goodman ch. 6 and 7, *Greene v. Edwards*, *Ferguson v. City of Charleston*, *Souvannarath v. Hadden*; "Law lets TB patient infect 12 others"

Week 4. Public health law ethics and practice.

Assigned reading: Goodman ch. 3; Public Health Ethics Code and annotations; case studies posted on Blackboard.

Week 5. Concept of direct (command and control) regulation; legal rules governing the administration of government public health agencies; rulemaking process; administrative review of rulemaking; judicial deference to administrative agency determinations. . Specific examples of issues in public health regulation (e.g., controversy over FDA regulation of tobacco, etc.); comparison of legislative vs. administrative process in creating public health policy.

Assigned reading: Goodman ch. 13, 18; *McCarthy v. Boozman*; *Chevron v. NRDC*, *Geier v. American Honda Motor Co.*, Kentucky statutes and regulations.

Week 6. Public health issues in public sector practice. Visiting speaker: Paula Holbrook, J.D., R.N., Assistant Attorney General, Commonwealth of Kentucky

Tobacco issues and public health law; introduction to the basic elements of a tort claim, corporate negligence, and strict liability. Individual, class action and government lawsuits against makers of harmful products.

Assigned reading: Goodman ch. 14, 16, *Brown v. Superior Court*; *Sindell v. Abbott Labs*; W. Parmet & R. Daynard, *The New Public Health Litigation*; *FDA v. Brown & Williamson*, *Pelman v. McDonald's*.

Week 7. Public health policy development

Assigned reading: Oliver, The Politics of Public Health Policy. *Ann. Rev. Public Health* 2006; 27:195-233 (on Blackboard).

Week 8. Midterm exam

Week 9. Law of nuisance and its impact on modern public health practice; tension between legal authority of public health professionals to identify and abate nuisances while not infringing on the rights of individuals. History and purpose of land use planning to protect public health and safety; legal methods used to regulate land use at the local, state and federal level. Federal and state environmental regulation to protect public health, focusing on environmental justice issues.

Assigned reading: Goodman ch. 11 and 18, US Constitution: Fifth, Tenth, Fourteenth Amendments; articles on isolation and quarantine; *Altman v. City of High Point*, *Kelo v. City of New London*; environmental justice materials on website

Week 10. Pharmacy law presentation by guest lecturer Joseph Fink, Pharm.D., J.D. Legal issues surrounding health data collection, including reporting requirements, confidentiality and privacy, subpoenas of health records and scientific data, etc. Health communication and behavior: health promotion campaigns, their legal limitations and restrictions; regulation of advertising in relation to First Amendment rights; risk of defamation in product disparagement or counter-advertising.

Assigned reading: Goodman ch. 8, overview of HIPAA privacy regs, Hodge on research versus practice; *NY Times v. Sullivan*, *Metabolife Int'l Inc. v. Wornick*, *Engler v. Winfrey*.

Week 11. Injury and the law; Americans with Disabilities Act.

Assigned reading: Goodman ch. 19-20; review Americans with Disabilities Act (selections) and cases; *University of Alabama v. Garrett*, *Abbott v. Bragdon*, *PGA v. Martin*;

Week 12. Visiting speaker: Professor Nicole Huberfeld, UK College of Law.

Introduction to law of contracts, particularly government contracts

Assigned reading: CDC Negotiation module, PowerPoint materials on contracts.

Week 13. Statutory rights for vulnerable populations; reproductive health issues.

Assigned reading: Goodman ch 11, 15, 17; *Roe v. Wade*, *Planned Parenthood v. Casey*, *Rust v. Sullivan*, *Cruzan*, *Westside Mothers*, *Aliessa v. Novello*. Written summaries due.

Week 14. Public health emergency preparedness and response and related issues associated with public health emergencies.

Assigned reading: Goodman ch. 10; Model Public Health Emergency Powers Act, related articles; ESAR-VHP materials.

Week 15. Review, distribution of final exams.

Week 16. Final exam due by 5:00 p.m.



UNIVERSITY OF KENTUCKY

College of Public Health

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MEMORANDUM

TO: Health Care Colleges Council

FROM: Linda A. Alexander, EdD
Associate Dean for Academic Affairs

SUBJECT: Proposal for CPH 653 Public Health Law and Policy

DATE: May 5, 2006

It is the intention of the Department of Health Services Management in the College of Public Health to formally establish a course to teach students in the MPH degree program about the impact the law has on public health policy. Other components of the course include an emphasis on topics and materials used by public health practitioners and the use of law to advance a public health agenda. The course has been taught on several previous occasions as a special topics course, and was very well received by students. It is being taught again in the Fall of 2006.

This course proposal has been reviewed and approved by the Academic Affairs Committee and the Faculty Council, according to our college's established bylaws.

Further information about this course can be obtained by contacting the course director, Dr. Julia Costich, via phone at 7-5678 ext 82026 or via email at jfcost0@email.uky.edu.

UNIVERSITY SENATE REVIEW AND CONSULTATION SUMMARY SHEET

Proposal Title: CPH 653 Public Health Law and Policy

Proposal Contact: Julia Costich, Department of Health Services Management, College of Public Health
 121 Washington Avenue, Room 105, 0003
 257-5678 ext. 82026 jfcost0@email.uky.edu

Instruction: To facilitate the processing of this proposal please identify the groups or individuals reviewing the proposal, identify a contact person for each entry, provide the consequences of the review (specifically, approval, rejection, no decision and vote outcome, if any) and please attach a copy of any report or memorandum developed with comments on this proposal.

Reviewed By	Contact person	Consequences of Review	Date of Proposal Review	Review Summary Attached?
Health Services Management Faculty	Julia Costich, Department Chair	Approved	4/24/06	
Academic Affairs Committee	Rick Crosby, Chair	Approved	4/12/06	
Faculty Council	Pamela Teaster, Chair	Approved	4/26/06	
Office of Academic Affairs	Linda Alexander, Associate Dean	Approved	5/4/06	yes