

Law and Ethics for Public Health Leaders (LW PH 856)

2-Credit course offered in Fall semester
Alternate Mondays, 2:30-5:00 pm

Taught by Health Law, Bioethics & Human Rights Dept. faculty (directed by
George J. Annas)

Doctoral Seminar required of all DrPH students and open to doctoral candidates
with permission of instructor.

Course Description

This course examines the ethical and legal principles which public health leaders in US and international settings should understand when making difficult decisions. Issues addressed will include resource allocation and rationing, surveillance practices and privacy, the “right to health,” the regulation of research in the U.S and developing countries, and public health responses to major epidemics.

Course Objectives

Students completing this course will be able to:

1. Describe the major legal principles affecting public health decision making, both in the US and internationally.
2. Describe the major ethical and human rights principles used in public health decision making, both in the US and internationally.
3. Apply relevant ethical and legal principles to difficult and controversial issues that public health leaders must resolve.

Grading: A take home exam will be distributed by the end of October and will be due one week after the final class. The take home exam will account for 67% of the final grade, the other 33% will be based on class participation and a half-hour multiple choice exam on the last day of class.

Topics and Dates	Date	Instructor
Public Health Law	9/18	Annas
Human Rights and Public Health Ethics	10/02	Annas &

		Grodin
“The Right to Health”	10/16	Annas & Grodin
Women’s Rights and Reproductive Health	10/30	Annas
Public Health Research	11/13	Annas & Grodin
Public Health Surveillance and Privacy	11/27	Annas & Mariner
Public Health Responses to Epidemics and Terrorism– Coercion, Rationing, and Triage	12/11	Annas

Readings: Course reader, web materials, and two required texts: Mann et al, eds., **Health and Human Rights**, Routledge, NY,1999];and George J. Annas, **The Rights of Patients**, 3d ed., NYU Press, 2004.

Session One: PUBLIC HEALTH LAW

Objectives

At the end of this session students will be able to describe the legal foundation for public health regulation, the authority of federal and state governments and the respective roles of the legislatures and courts.

Readings

- **The Rights of Patients, 337-357.**
- L. Glantz, Introduction to the Structure and Function of American Law
- Reading a Judicial Opinion
- *Jacobsen v. Massachusetts* 197 U.S. 11 (U.S. Supreme Court 1905)
- Mariner, W.K., Annas, G.J., Glantz, L.H., *Jacobsen v. Massachusetts* : It’s Not Your Great-Grandfather’s Public Health Law, 95(4) American Journal of Public Health 581-590 (April 2005)
- *Simon v. Sargent* and discussion question.

Session Two: HUMAN RIGHTS AND PUBLIC HEALTH ETHICS

Objectives

By the end of this session students will be able to apply a framework for identifying and analyzing human rights and ethical dilemmas in the public health arena.

Readings

- *Health & Human Rights*, Chapters 1 through 6, and pages 453-480.

Session Three: THE RIGHT TO HEALTH

Objectives

By the end of this session, students will be able to define the international “right to health,” analyze the extent of the right and identify its source, and create and evaluate benchmarks to measure the “progressive realization” of the right to health in improving the health of children.

Readings

- *Health and Human Rights*, Chapters 26-30
- *The Rights of Patients*, Chapters 1 and 2.
“General Comment 14”
- Special Rapporteur on “The Right to Health” reports:
<http://www.ohchr.org/english/issues/health/right/index.htm>

Session Four: WOMEN’S RIGHTS AND REPRODUCTIVE HEALTH

Objectives

By the end of this session students will be able to describe the role of law, ethics and human rights on reproductive health. Students will be able to describe the significance of The Convention to Eliminate All Discrimination Against Women, especially in the contexts of the right to education, access to health services, family planning, and nondiscrimination.

Readings

- *The Rights of Patients*, Chapter 13
- *Health and Human Rights*, Chapters 14-18.
- *Roe v. Wade* 410 U.S.113 (1973)
- CEDAW

Session Five: PUBLIC HEALTH RESEARCH

Objectives

At the end of this session students will be able to apply the Federal Regulations for the Protection of Human Subjects to research projects proposed to be done by researchers in the U.S and developing countries, with special emphasis on the problems of informed consent and benefit sharing, and the relationship of research to access to essential medicines, including problems related to TRIPS and drug patenting.

Readings

- Code of Federal Regulations for the Protection of Research Subjects.
- Selections of CIOMS “Guidelines” for Research in Developing Countries
- *The Rights of Patients*, Chapters 6 and 9
- *Health and Human Rights*, Chapters 19-21 and 23-25.

Session Six: PUBLIC HEALTH SURVEILLANCE AND PRIVACY

Objectives

At the end of this session, students will be able to identify the range of activities encompassed by public health surveillance; identify the sources and uses of information for public health surveillance; distinguish outbreak investigation from research; identify laws governing individual privacy and confidentiality and their application to surveillance activities; and determine when consent or other authorization is required to obtain, use, disclose, or re-distribute personal information for different purposes.

Readings

- *The Rights of Patients*, Chapters 10 and 11
- Chapter 4 [edited], “Public Health Surveillance and Medical Privacy” in Wing, Mariner, Annas & Strauss, *PUBLIC HEALTH LAW* (Lexis/Nexis forthcoming 2007).

Session Seven: PUBLIC HEALTH RESPONSES TO EPIDEMICS AND TERRORISM: COERCION, RATIONING, AND TRIAGE

Objectives

At the end of this session students will be able to apply the legal, ethical, and human rights principles covered in this course to make a series of decisions concerning a potential public health emergency, especially decisions that directly affect the civil rights and welfare of individuals, including resource allocation, rationing, and the use of coercion for isolation and quarantine.

Readings

- WHO website on Avian Flu (current threat status and recommendations).
- CDC website on Avian Flu (current threat status and recommendations to public health departments); and advisories of rationing flu vaccine in 2004-05 flu season.
- Annas, GJ. “The Statue of Security: Human Rights in Post-9/11 Epidemics” *J. Health Law* , 2005.
- New York State proposals for “routine” HIV testing, and laboratory monitoring of diabetes diagnosis and treatment.