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;
10. access and use the CDC websites and other online public health information.

**Required Reading**

1. **Textbook:**
   - **Title:** Public Health Law: Power, Duty, and Restraint
   - **Author:** Lawrence O. Gostin
   - **Publisher:** University of California Press
   - (copyright 2000, or most recent edition)
   - (California/Milbank Series on Health and the Public, 3)
   - **Hardback ISBN:** 0-520-22646-1
   - **Paperback ISBN:** 0-520-22648-8

2. Required supplemental reading assignments: TBA

3. **CDC Public Health Law News**—online weekly newsletter

**Student Evaluation**

- Term paper (≈ 6-10 pages) on topic to be chosen by student: 35%
- Midterm Exam: 1.5 hours; multiple choice and short answer: 15%
- Final Exam: 3 hours; multiple choice and short answer: 20%
- Four Written assignments: 20%
- Class Participation: 10%

**Course Evaluation**

The Programs in Public Health administer web-based course evaluations to students for each course near the end of the quarter. *Your completion of both the unit (course) and faculty evaluation components is required; failure to complete either of the evaluations will result in an incomplete grade until the evaluations are submitted.* You will be sent the web link and instructions via email later in the quarter. You will have about two weeks time to complete the evaluations before grades are submitted.

**Academic Integrity**

Academic integrity at Northwestern University is based on a respect for individual achievement that lies at the heart of academic culture. Every faculty member and student, both graduate and undergraduate, belongs to a community of scholars where academic integrity is a fundamental commitment. The Programs in Public Health abides by the standards of academic conduct, procedures, and sanctions as set forth by The Graduate School at Northwestern University. Students are responsible for knowledge of the information provided by The Graduate School on their Web page at [http://www.tgs.northwestern.edu/studentsvcs/ethics/](http://www.tgs.northwestern.edu/studentsvcs/ethics/).

Additionally, faculty reserve the right to use the “Safe Assignment: Plagiarism Detection Tool” that is part of the Course Management System. Info about this tool is found at [http://course-management.northwestern.edu/tipsheets.html](http://course-management.northwestern.edu/tipsheets.html).
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<th>In Class Discussion</th>
<th>Assignments</th>
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| Prior to 1st class | **Background of students**  
- Discuss Preface, Chapter 1, and p. 321  
- Discuss *CDC Public Health Law News*  
- Core Functions of Public Health  
- Essential Public Health Services  
- The importance of Power, Duty, and Restraint in Public Health Law |  
- Read Preface & Chapter 1 & p. 321 of Gostin text  
- Complete Student Questionnaire (attached to syllabus) and e-mail to: s-elias3@northwestern.edu |
| 1   | **Discuss *CDC Public Health Law News***  
- Discuss Chapter 2  
- Discuss “Snow on Cholera”  
- Constitutional Design: 3 branches of gov’t  
- Court System  
- Case Reporters |  
- Read Chapter 2  
- Read “Snow on Cholera” (supplemental reading)  
- Written assignment based on an article in the *CDC Public Health Law News* |
| 2   | **Introduction to the Law School Library**  
- Discuss *CDC Public Health Law News*  
- Discuss Chapter 3  
- Statutes, Regulations, and Ordinances  
- Basic Legal Research & citations |  
- Read Chapter 3  
- Read *CDC Public Health News*  
- Supplemental reading: legal citation |
| 3   | **Discuss *CDC Public Health Law News***  
- Review legal citations  
- Begin Discussion of Chapter 4  
- Discuss Bill of Rights  
- Discuss Police Power  
- Discuss Due Process  
- Discuss Means/Ends Test |  
- Read Chapter 4  
- Study Table 2, Bill of Rights, pp. 63-64  
- Read *CDC Public Health News*  
- Written assignment: Decipher legal citations  
- Analyze Fig. 8 |
| 4   | **Study for Midterm Exam**  
- Read pp. 113 –119 in Chapter 5 |  
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| 5   | MIDTERM EXAM – 1.5 hours  
Discuss pp. 113 –119 in Chapter 5 | Read remaining pages of Chapter 5  
Read CDC Public Health News  
Supplemental Reading (case opinion) TBA |
| 6   |  
Discuss Chapter 5  
Public Benefits v. Private Rights  
Discuss case opinion  
HIPAA  
Privacy and Protected Health Information | Read Chapter 6  
Supplemental reading TBA  
Read CDC Public Health News |
| 7   |  
Discuss CDC Public Health Law News  
Discuss Chapter 6  
Discuss Supplemental Reading | Read Chapters 7 & 8  
Read CDC Public Health News |
| 8   |  
Discuss Chapters 7 & 8  
Governmental restrictions on the person and individual freedom | Read Chapter 10 (Note: Jump over chapter 9)  
Supplementary reading TBA  
Read CDC Public Health News |
| 9   |  
Discuss Chapter 10  
Changing Public Health policy by means of non-governmental litigation | Read Chapter 9  
Read CDC Public Health News  
Written Assignment: 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  |  
Discuss Chapter 9  
Discuss written assignment  
Discuss regulatory powers of agencies  
Discuss “takings” | 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: