

# School of Public Health

## Syllabus and Course Information



UNIVERSITY OF MINNESOTA  
Driven to Discover<sup>SM</sup>

### PubH 6711 Section 101 Class #87426

#### Public Health Law

#### May Session 2017

---

**Credits:** 2 credits

**Meeting Days/Times:** May 22, 23, 24 1:00 – 5:00 pm  
May 26 1:00 – 4:00 pm  
May 30, 31, June 1 1:00 – 5:00 pm  
June 2 1:00 – 4:00 pm

**Meeting Place:** Blegen Hall Room 260

**Instructors:** Anne Barry, JD, MPH  
Adjunct Assistant Professor

Joel Wu, JD MPH MA  
Senior Fellow

**Office Address:** Division of Health Policy and Management  
School of Public Health  
Mayo C312

**Office Phone:** 612-625-6148

**Contact Information:** Anne Barry  
Email: barr0369@umn.edu  
Cell Phone: 612-743-7183

Joel Wu:  
Email: wuxx0179@umn.edu  
Cell Phone: 651-497-4079

**Office Hours:** By appointment

---

#### I. Course Description

This course will address basic concepts of public health law and the legal bases for the existence and administration of public health programs. Balancing the legal aspects of current public health issues, controversies, individual rights and the regulatory role of government in health service system will be considered.

## **Competencies**

The core competencies in Public Health Preparedness and Response identified in the CDC planning model that apply to this course include:

### **Domain 1: Model Leadership**

1.6 Act within the scope of one's legal authority

### **Domain 2: Communication and Manage Information**

2.4 Collect data according to protocol

### **Domain 3: Plan for and Improve Practice**

3.4 Refer matters outside of one's scope of legal authority through the chain of command

### **Domain 4: Protect Worker Health & Safety**

4.2 Employ protective behaviors according to changing conditions, personal limitations and threats

The core competencies identified in the HRSA Council of Linkages model that apply to this course include:

### **2. Policy Development/Program Planning Skills Tier 2:**

2.1. Ensures state/Tribal/community health improvement planning uses community health assessments and other information related to the health of a community (e.g., current data and trends; proposed federal, state, and local legislation; commitments from organizations to take action)

2.6. Develops options for policies, programs, and services (e.g., secondhand smoking policies, data use policies, HR policies, immunization programs, food safety programs)

2.7. Examines the feasibility (e.g., fiscal, social, political, legal, geographic) and implications of policies, programs, and services

2.9. Implements policies, programs, and services

### **7. Financial Planning and Management Skills Tier 2:**

7.1. Explains the structures, functions, and authorizations of governmental public health programs and organizations

7.2. Identifies government agencies with authority to address specific community health needs (e.g., lead in housing, water fluoridation, bike lanes, emergency preparedness)

7.3. Implements policies and procedures of the governing body or administrative unit that oversees the organization (e.g., board of health, chief executive's office, Tribal council)

### **8. Leadership and Systems Thinking Skills Tier 2:**

8.5. Analyzes internal and external facilitators and barriers that may affect the delivery of the 10 Essential Public Health Services (e.g., using root cause analysis and other quality improvement methods and tools, problem solving)

8.8. Modifies organizational practices in consideration of changes (e.g., social, political, economic, scientific)

## **II. Course Prerequisites**

None

### III. Course Goals and Objectives

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

- Develop an understanding of public health principles and the basic constitutional and regulatory powers in public health law.
- Critically analyze various public health activities by balancing the rights of individuals and the legal powers and duties to assure optimum population health.

### IV. Methods of Instruction and Work Expectations

#### Assigned Readings, Group Exercises

The course will closely follow readings in the textbook. Generally class will be divided into two portions. The first section will be a review of the assigned reading materials. The second portion will be a classroom group exercise. All students will be required to participate in in-class group exercises.

#### Exams

There will be two written examinations. The midterm and final exams will be written in class exams. Class participation and attendance are also part of the course grade. The total points available will be 200 points.

### V. Course Text and Readings

The required and optional readings are available through the UMN Library, which can be accessed through the course Moodle site.

#### Access Course Moodle Site

- go to [www.umn.edu](http://www.umn.edu) click on the “myU” button
- login with your University ID and password
- scroll to your course and click on the Moodle site link.

#### Text:

Public Health Law: Power, Duty, Restraint, 3<sup>rd</sup> ed., by Lawrence O. Gostin and Lindsay F. Wiley, 2016.

See course schedule below for reading schedule. There may be additional reading materials handed out in class.

### VI. Course Outline/Weekly Schedule

Week 1	Topic:	Readings: (3 <sup>rd</sup> edition, unless noted.)
Day 1	Introduction to Course/Defining Public Health Law	Chapter 1: A Theory and Definition of Public Health Law.
	Public Health and the Constitution	Chapter 3: Public Health Law in the Constitutional Design
Day 2	Safeguarding Individual Rights	Chapter 4: Constitutional Limits on the Exercise of Public Health Powers <i>Jacobson v. Mass.</i>
	Start discussion of Public Health Regulation	Chapter 2: Risk Regulation

<b>Day 3</b>	Continue Public Health Regulation	Chapter 5: Public Health Governance
	Public Health Information and Privacy Laws	Chapter 9: Surveillance and Public Health Research <i>US v. Westinghouse Electric Corp.</i>
<b>Day 4</b>	Health Communication and Behavior	Chapter 12: Non-communicable Disease Prevention <i>Central Hudson v. Public Service Commission</i>
	<u><i>In class written exam</i></u>	

<b>Week 2</b>	<b>Topic:</b>	<b>Readings: (3<sup>rd</sup> edition, unless noted.)</b>
<b>Day 5</b>	Immunizations, Screening and Registries	Chapter 10: Infectious Disease Control and Prevention
	Restrictions on Individuals- Quarantine, Isolation, and Civil Commitment.	Chapter 11: Public Health Emergency Preparedness <i>*2<sup>nd</sup> Edition Excerpt*</i> "Constitutional Review of Isolation and Quarantine in the Modern Era"
<b>Day 6</b>	Continue discussion on Restrictions on Individuals Model State Emergency Health Powers Act Debate	Model State Emergency Health Powers Act 4 articles by Gostin, Gostin et al., Richards et al., and Annas.
	Economic Behavior and Public Health	<i>*2<sup>nd</sup> Edition Reading*</i> Chapter 12: Economic Liberty Available as PDF online.
<b>Day 7</b>	Torts and Public Health	Chapters 7: Tort Law and the Public's Health
	Justice and Public Health Law Course Review	Chapter 14: Health Justice and the Future of Public Health Law
<b>Day 8</b>	<u><i>Final exam in class</i></u>	

## VII. Evaluation and Grading

Grading is as follows:

- Midterm exam (60 points)
- Final exam (100) points
- Class participation (20 points)
- Class attendance (20 points)

With advanced written agreement, students can make alternative arrangements to make up exams. However, it is difficult to make up missed classes and participation in class. Students should make every effort to attend class or it will negatively affect your final grade.

This course is offered A/F or S/N

- **S Represents achievement that is satisfactory, which is equivalent to a C- or better.**
- **A/F letter grade will be determined by total effort as follows:**

A	4.000 (94-100 points/percent) Represents achievement that is outstanding relative to the level necessary to meet course requirements
A-	3.667 (90-93 points/percent)
B+	3.333 (87-89 points/percent)
B	3.000 (83-86 points/percent) Represents achievement that is significantly above the level necessary to meet course requirement
B-	2.667 (80-82 points/percent)
C+	2.333 (77-79 points/percent)
C	2.000 (73-76 points/percent) Represents achievement that meets the course requirements in every respect
C-	1.667 (70-72 points/percent)
D+	65-69 (points/percent) 1.333
D	1.000 (60-64 points/percent) Represents achievement that is worthy of credit even though it fails to meet fully the course requirements
F	Represents failure (or no credit) and signifies that the work was either (1) completed but at a level of achievement that is not worthy of credit or (2) was not completed and there was no agreement between the instructor and the student that the student would be awarded an I.
S	Represents achievement that is satisfactory, which is equivalent to a C- or better.

**For additional information, please refer to:**

<http://policy.umn.edu/Policies/Education/Education/GRADINGTRANSCRIPTS.html>.

**Course Evaluation**

The SPH will collect student course evaluations electronically using a software system called CoursEval: [www.sph.umn.edu/courseval](http://www.sph.umn.edu/courseval). The system will send email notifications to students when they can access and complete their course evaluations. Students who complete their course evaluations promptly will be able to access their final grades just as soon as the faculty member renders the grade in SPHGrades: [www.sph.umn.edu/grades](http://www.sph.umn.edu/grades). All students will have access to their final grades through OneStop two weeks after the last day of the semester regardless of whether they completed their course evaluation or not. Student feedback on course content and faculty teaching skills are an important means for improving our

work. Please take the time to complete a course evaluation for each of the courses for which you are registered.

### **Incomplete Contracts**

A grade of incomplete "I" shall be assigned at the discretion of the instructor when, due to extraordinary circumstances (e.g., documented illness or hospitalization, death in family, etc.), the student was prevented from completing the work of the course on time. The assignment of an "I" requires that a contract be initiated and completed by the student before the last official day of class, and signed by both the student and instructor. If an incomplete is deemed appropriate by the instructor, the student in consultation with the instructor, will specify the time and manner in which the student will complete course requirements. Extension for completion of the work will not exceed one year (or earlier if designated by the student's college). For more information and to initiate an incomplete contract, students should go to SPHGrades at: [www.sph.umn.edu/grades](http://www.sph.umn.edu/grades).

**University of Minnesota Uniform Grading and Transcript Policy** - A link to the policy can be found at [onestop.umn.edu](http://onestop.umn.edu).

## **VIII. Other Course Information and Policies**

### **Grade Option Change** (if applicable)

For full-semester courses, students may change their grade option, if applicable, through the second week of the semester. Grade option change deadlines for other terms (i.e. summer and half-semester courses) can be found at [onestop.umn.edu](http://onestop.umn.edu). **The grading option for Public Health Institute courses may not be changed after the second day of class for 4-day courses. Grading options for 2 day courses may not be changed after the first day class.**

### **Course Withdrawal**

Students should refer to the Refund and Drop/Add Deadlines for the particular term at [onestop.umn.edu](http://onestop.umn.edu) for information and deadlines for withdrawing from a course. As a courtesy, students should notify their instructor and, if applicable, advisor of their intent to withdraw.

Students wishing to withdraw from a course after the noted final deadline for a particular term must contact the School of Public Health Office of Admissions and Student Resources at [sph-ssc@umn.edu](mailto:sph-ssc@umn.edu) for further information.

### **Student Conduct Code**

The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University. Similarly, the University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.

As a student at the University you are expected adhere to Board of Regents Policy: *Student Conduct Code*. To review the Student Conduct Code, please see:

[http://regents.umn.edu/sites/default/files/policies/Student\\_Conduct\\_Code.pdf](http://regents.umn.edu/sites/default/files/policies/Student_Conduct_Code.pdf).

Note that the conduct code specifically addresses disruptive classroom conduct, which means "engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities."

### **Use of Personal Electronic Devices in the Classroom**

Using personal electronic devices in the classroom setting can hinder instruction and learning, not only for the student using the device but also for other students in the class. To this end, the University establishes the right of each faculty member to determine if and how personal electronic devices are allowed to be used in the classroom. For complete information, please reference:

<http://policy.umn.edu/Policies/Education/Education/STUDENTRESP.html>.

### **Scholastic Dishonesty**

You are expected to do your own academic work and cite sources as necessary. Failing to do so is scholastic dishonesty. Scholastic dishonesty means plagiarizing; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis. (Student Conduct Code: [http://regents.umn.edu/sites/default/files/policies/Student\\_Conduct\\_Code.pdf](http://regents.umn.edu/sites/default/files/policies/Student_Conduct_Code.pdf)) If it is determined that a student has cheated, he or she may be given an "F" or an "N" for the course, and may face additional sanctions from the University. For additional information, please see: <http://policy.umn.edu/Policies/Education/Education/INSTRUCTORRESP.html>.

The Office for Student Conduct and Academic Integrity has compiled a useful list of Frequently Asked Questions pertaining to scholastic dishonesty: <http://www1.umn.edu/oscai/integrity/student/index.html>. If you have additional questions, please clarify with your instructor for the course. Your instructor can respond to your specific questions regarding what would constitute scholastic dishonesty in the context of a particular class-e.g., whether collaboration on assignments is permitted, requirements and methods for citing sources, if electronic aids are permitted or prohibited during an exam.

### **Makeup Work for Legitimate Absences**

Students will not be penalized for absence during the semester due to unavoidable or legitimate circumstances. Such circumstances include verified illness, participation in intercollegiate athletic events, subpoenas, jury duty, military service, bereavement, and religious observances. Such circumstances do not include voting in local, state, or national elections. For complete information, please see: <http://policy.umn.edu/Policies/Education/Education/MAKEUPWORK.html>.

### **Appropriate Student Use of Class Notes and Course Materials**

Taking notes is a means of recording information but more importantly of personally absorbing and integrating the educational experience. However, broadly disseminating class notes beyond the classroom community or accepting compensation for taking and distributing classroom notes undermines instructor interests in their intellectual work product while not substantially furthering instructor and student interests in effective learning. Such actions violate shared norms and standards of the academic community. For additional information, please see: <http://policy.umn.edu/Policies/Education/Education/STUDENTRESP.html>.

### **Sexual Harassment**

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment in any University activity or program. Such behavior is not acceptable in the University setting. For additional information, please consult Board of Regents Policy: <http://regents.umn.edu/sites/default/files/policies/SexHarassment.pdf>

### **Equity, Diversity, Equal Opportunity, and Affirmative Action**

The University will provide equal access to and opportunity in its programs and facilities, without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression. For more information, please consult Board of Regents Policy: [http://regents.umn.edu/sites/default/files/policies/Equity\\_Diversity\\_EO\\_AA.pdf](http://regents.umn.edu/sites/default/files/policies/Equity_Diversity_EO_AA.pdf).

### **Disability Accommodations**

The University of Minnesota is committed to providing equitable access to learning opportunities for all students. Disability Services (DS) is the campus office that collaborates with students who have disabilities to provide and/or arrange reasonable accommodations.

If you have, or think you may have, a disability (e.g., mental health, attentional, learning, chronic health, sensory, or physical), please contact DS at 612-626-1333 to arrange a confidential discussion regarding equitable access and reasonable accommodations.

If you are registered with DS and have a current letter requesting reasonable accommodations, please contact your instructor as early in the semester as possible to discuss how the accommodations will be applied in the course.

For more information, please see the DS website, <https://diversity.umn.edu/disability/>.

### **Mental Health and Stress Management**

As a student you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance and may reduce your ability to participate in daily activities. University of Minnesota services are available to assist you. You can learn more about the broad range of confidential mental health services available on campus via the Student Mental Health Website: <http://www.mentalhealth.umn.edu>.

### **The Office of Student Affairs at the University of Minnesota**

The Office for Student Affairs provides services, programs, and facilities that advance student success, inspire students to make life-long positive contributions to society, promote an inclusive environment, and enrich the University of Minnesota community.

Units within the Office for Student Affairs include, the Aurora Center for Advocacy & Education, Boynton Health Service, Central Career Initiatives (CCE, CDes, CFANS), Leadership Education and Development –Undergraduate Programs (LEAD-UP), the Office for Fraternity and Sorority Life, the Office for Student Conduct and Academic Integrity, the Office for Student Engagement, the Parent Program, Recreational Sports, Student and Community Relations, the Student Conflict Resolution Center, the Student Parent HELP Center, Student Unions & Activities, University Counseling & Consulting Services, and University Student Legal Service.

For more information, please see the Office of Student Affairs at <http://www.osa.umn.edu/index.html>.

### **Academic Freedom and Responsibility: for courses that do not involve students in research**

Academic freedom is a cornerstone of the University. Within the scope and content of the course as defined by the instructor, it includes the freedom to discuss relevant matters in the classroom. Along with this freedom comes responsibility. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students are free to take reasoned exception to the views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.\*

Reports of concerns about academic freedom are taken seriously, and there are individuals and offices available for help. Contact the instructor, the Department Chair, your adviser, the associate dean of the college, or the Vice Provost for Faculty and Academic Affairs in the Office of the Provost.

**OR:**

### **Academic Freedom and Responsibility, for courses that involve students in research**

Academic freedom is a cornerstone of the University. Within the scope and content of the course as defined by the instructor, it includes the freedom to discuss relevant matters in the classroom and conduct relevant research. Along with this freedom comes responsibility. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students are free to take reasoned exception to the views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.\* When conducting research, pertinent institutional approvals must be obtained and the research must be consistent with University policies.

Reports of concerns about academic freedom are taken seriously, and there are individuals and offices available for help. Contact the instructor, the Department Chair, your adviser, the associate dean of the college, or the Vice Provost for Faculty and Academic Affairs in the Office of the Provost.



\* Language adapted from the American Association of University Professors "Joint Statement on Rights and Freedoms of Students".

Template update 04/2017