

# SYLLABUS

Public Health Law: Law TBD  
One day per week (TBD), 2 hours  
Two credit hours

## COURSE DESCRIPTION

This is an elective course which is a survey of the law of public health as it is distinguished from the law of health care in general, which is not a prerequisite for this course. The course will deal with the basic tensions between the constitutional principles of individual rights juxtaposed against the rights of society to protect itself under the police power. The course will briefly recount the history of public health, especially in the United States and the attendant growing body of law surrounding it. It will highlight the extent to which and the conditions under which the state can restrain an individual's liberty to prevent the spread of communicable disease. The course will touch on the rights of the individual to privacy in his or her personal information and the rights to engage in behaviors which are deleterious to the individual's personal health. The course will have as a component the interface of public health law and the law of emergency management in the face of a natural or manmade disaster or the imminent threat thereof. Lastly, the course will identify the place of international health law and organizations in the body of United States law.

## COURSE OBJECTIVES

At the end of this course, the student will know and be able:

- To distinguish public health law from health care law;
- To understand the ethical underpinnings of involuntary impositions on restrictions of individual liberty for the common good ;
- To define the duties of public health law practitioners to function as a component of the state's police power;
- To identify tort law and extraordinary remedy principles used in the prosecution of public health law;
- To evince a working understanding of public health disease surveillance as that interfaces with protections of privacy;
- To familiarize himself or herself with the limitations upon the state's police power to impose good health practices upon individuals against the individuals' will;
- To converse with and interface with practitioners of emergency management law such that the student could provide basic advice to health care and public health practitioners;
- To pinpoint the place international public health law affects the law of the United States and its states and territories; and lastly
- To hold a singular expertise in the field of public health law as compared to even the already-practicing general-practice attorney.

## NEEDS AND RESOURCES

**Required Background.** To successfully complete this course, you should know, be familiar with or be taking coterminously

- Basic tort law;
- Basic contract law; and
- Civil procedure.
- However, no specific prerequisites need be completed
- Specifically, health care law is not a prerequisite
- No clinical experience is required as a prerequisite.

## Required Materials

To successfully complete this course, you will need the following required text:

- The course textbook: *Public Health Law* by Wing, Mariner, Anna sans Strouse, published by LexisNexis, ISBN 1-4224-0641-5 (hard cover.)

## Additional Print Resources which you may find helpful, but not required:

- *Public Health Law, Power, Duty and Restraint* by Lawrence O. Gostin published by the University of California Press, 2008;
- *Public Health Law and Ethics* by Lawrence O. Gostin published by the University of California Press, 2010; and
- *Emergency Response and Emergency Management Law* *Emergency Response and Emergency Management Law* William C. Nicholson, published by Charles C. Thomas C. Thomas Publisher Ltd., 2003
- However, relevant articles from these resources will be made available online or on reserve in the law school library.

## Online Resources

- Public Health Laws of Alabama, [https://www.slideshare.net/login?from\\_logout=1](https://www.slideshare.net/login?from_logout=1)
- Code of Alabama Online, <http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm>
- Regulations of the Alabama Department of Public Health, *Alabama Administrative Code*, Chapter 420-1-1, *et seq.* <http://www.alabamaadministrativecode.state.al.us/>
- The United States Code, especially Title 42, <http://www4.law.cornell.edu/uscode/>
- United States Department of Health and Human Services (HHS), Centers for Disease Control and Prevention, Division of Global Migration and Quarantine (DGMQ), <http://www.cdc.gov/ncidod/dq/>
- HHS guidance on the Health Information Portability and Accountability Act (HIPAA) <http://www.hhs.gov/ocr/hipaa/guidelines/guidanceallsections.pdf>
- HHS Office for Human Research Protections (OHRP), <http://www.hhs.gov/ohrp/>
- HIPAA for University of Alabama <http://www.slideshare.net/jwible/hipaaao-a>

## COURSE SCHEDULE – Chapter Reading Assignments

Week	Chapter	Readings	Topics Discussed
1.	1		"Introduction to Public Health in the US." Instructor will present a brief "History of Public Health from Æsculapius to Buzz Lightyear."
2.	2		"Basic Constitutional Principles relating to the exercise of the state's police power as against personal liberty" with emphasis on <i>Jacobson v. Massachusetts</i> .
3.	2		Chapter 2 continues with emphasis on <i>Roe v. Wade</i>
4.	3		"Contagious Diseases and Quarantine-read through subsection E. "...Influenza"
5.	3		Chapter 3 begin with subsection F." Emergency Preparedness" to end of chapter
6.	3		Chapter 3 continues, instructor will supplement with material on Emergency Preparedness at the federal and state levels
7.	4		"Public Health Surveillance and Protected Health Information." See also <i>The Health Information Portability and Accountability Act</i> (HIPAA) 42 USC §§ 1320-d, <i>et seq.</i>
8.	4		HIPAA Continues See HIPAA for UoA found online found at <a href="http://www.slideshare.net/jwible/hipaaao-a">http://www.slideshare.net/jwible/hipaaao-a</a>
9.	5		"Tobacco, Smoking and the Public's Health" with an emphasis on smoking and other bad health practices. How far can the state go in regulating them?
10.	5		More tobacco goes up in smoke. Brief history of tobacco provided by instructor.
11.	6		"Health Promotion and Education through" subsection C. controlled substances
12.	6		Subsection "Obesity".
13.	8		Read All of Chapter 8, "(Bio)terrorism." We will touch on global health (G)
14.	-		An exercise in the ethics of a disaster: <i>The Strange Case of the Kobayashi Maru</i> See and read pp. 120-122: <a href="http://www.slideshare.net/jwible/ethicspaper2012">http://www.slideshare.net/jwible/ethicspaper2012</a>

## POLICIES AND PROCEDURES

### **General Rules:**

There will be neither a mid-term exam nor weekly quizzes. No paper is required; However students are expected to have read the assigned material and to be prepared to discuss. There will be a traditional final at the assigned date and time.

Students will choose their seat during the first session. Thereafter, students will sit in the same seat and will consider such as "assigned."

### **Attendance Policy:**

Class roll will be taken at each session. Students will follow the attendance in the student handbook as to excused and non-excused absences. In accordance with that handbook, more than three (3) unexcused absences will be considered "excessive absences" and will be reported to the Dean's office for appropriate action.

### **Class Participation Policy:**

Students will be expected to be prepared for class and to participate appropriately. No additional credit will be given for extraordinary participation. Repeated lack of participation or being unprepared will be reported to the Dean for appropriate action.

### **Timeliness:**

Students will be expected to report to class on time. A student more than ten (10) minutes late will be counted as absent. Habitual tardiness will be reported to the Dean for appropriate action. Once present, a student may leave class only for emergency or necessary matters and with the permission of the instructor. Students who violate this directive will be marked absent.

### **Grading Policies and Procedures:**

This course will follow the standard law school grading policy as to taking the exam and anonymity. Depending upon the class size, no more than 50% of final grades may be an "A" for classes of 12 or under. This rule does not apply should the class size exceed 12.

The instructor will read all finals one time through. The instructor will then reread finals marking papers for points well taken and elucidated upon. The best papers will be those which demonstrate a recall of issues raised and an understanding of such issues, delineating their strengths and weaknesses. Writing style will also be a factor in grading, however not as important as knowledge of the subject matter.

## ADDITIONAL INFORMATION

### **Disability Accommodation Statement**

The law school is committed to meeting the needs of students with physical, learning and other disabilities, and provides appropriate accommodations and services tailored to each person's specific requirements. The Law School's assistant deans and the University Office of Disability Services (ODS) work together to help individuals with disabilities achieve and maintain autonomy. Students with disabilities are encouraged to contact ODS at 205.348.4285 so that the individual's needs for support services can be evaluated and accommodated in a timely manner. Further questions may be directed to Chad Tindol, Associate Dean at 205.348.5750.

**Cultural Diversity Statement.**

"A university is a place where the universality of human experience manifests itself." – Albert Einstein. In keeping with Einstein's viewpoint, the University of Alabama School of Law is committed to providing an atmosphere of learning that is representative of a variety of perspectives. In this class, the student will have an opportunity to express and experience cultural diversity as we focus on issues such as: sex, gender and communications in small groups, communication in the multicultural group, and cross-cultural and intercultural work group communication. In addition, writing assignments and daily activities have been designed to encourage individuality and creative expression. Students are encouraged to not only take advantage of these opportunities in their own work, but also to learn from the information and ideas shared by other students.

**Class Decorum Statement.**

Law School is a professional school. Professional conduct will be expected, including compliance with law school and University policies.

**Policy on Electronic Equipment.**

Students may possess in class cell phones, beepers or other communications devices provided that such devices are set on "silent" or "vibrate" mode and do not disrupt the class. Use of such device must be limited to needful situations. Idle texting or viewing texts or social media will be considered disruptive behavior and sanctioned accordingly.

Students certainly may bring to class and use laptops and electronic pads or similar devices. Such use must be limited to taking notes or viewing material pertinent to the current discussion such as online statutes or regulations. Non-class-related use of such devices such as, but not limited to, viewing social media, viewing indecent matter, engaging in online "chat," or idle "web surfing" will be considered disruptive behavior and sanctioned accordingly.

**Plagiarism.**

The University of Alabama is committed to helping students to uphold the ethical standards of academic integrity in all areas of study. Students agree that their enrollment in this course allows the instructor the right to use electronic devices to help prevent plagiarism.

## CONTACT INFORMATION

The instructor for this course John R. Wible, J.D., University of Alabama School of Law, 1974. The instructor is the former General Counsel to the Alabama Department of Public Health and an Assistant Attorney General. The instructor's resume is on file in the Registrar's office and may be viewed by students.

On the first day of class, the instructor will distribute the instructor's contact information to each student.