

**PUBLIC HEALTH LAW AND POLICY:
PRIVATE RIGHTS AND SOCIAL RESPONSIBILITY**

**HS/PH 98H, Spring Quarter 2003
Professional Schools Seminar Program**

**Thursdays, 3 - 5:50 P.M.
Room 41-268, School of Public Health
Center for the Health Sciences**

Instructor: Ruth Roemer, JD

Purpose: This course examines legal issues and legislation related to health services in order to provide an understanding of the fields of public health and health law and the importance of the law in serving as a tool for the authorization, organization, and implementation of sound public health programs.

April 3 The constitutional and legal bases for governmental action related to health and limitations on governmental powers.

Wing, The Law and the Public's Health, 5th ed., Chapters 1 and 2.

April 10 Legal regulation of health care resources: personnel, facilities, and drugs.

Wing, Chapter 5.

Bruce C. Vladeck, "The Market vs Regulation: The Case for Regulation," Milbank Memorial Fund Quarterly/Health and Society, 59:2, 209-223, Spring 1981.

Darling v. Charleston Community Memorial Hospital.

Barber v. Reinking

Joanna Bergmann, "Legislative Developments: California Enacts Nurse-to-Patient Ratio Law," The Journal of Law, Medicine & Ethics, 27:4, p. 387, Winter 1999.

April 17

Organization and financing of health care: private insurance, Medicare, Medicaid, Children's Health Insurance, managed care, the safety net.

Wing, Chapters 4 & 9.

Randall R. Bovbjerg, Charles C. Griffin, and Caitlin E. Carroll, "U.S. Health Care Coverage and Costs: Historical Development and Choices for the 1990s," The Journal of Law, Medicine & Ethics, vol.21: 2, Summer 1993, pp.141-162.

David Blumenthal, "Health Care Reform - - Past and Future," Sounding Board, The New England Journal of Medicine, Vol.32, No.7, pp. 465-468, Feb. 16, 1995.

Paul D. Wellstone and Ellen Shaffer, "The American Health Security Act, Single-Payer Proposal," The New England Journal of Medicine, Vol. 328, No. 20, pp. 1489-1493, May 20, 1993.

Uwe E. Reinhardt, "Reforming the Health Care System: The Universal Dilemma," American Journal of Law and Medicine. Vol. XIX, Nos. 1&2, 1993, pp.21-36.

E. Richard Brown, Ninez Ponce, and Thomas Rice, The State of Health Insurance in California: Recent Trends, Future Prospects, UCLA Center for Health Policy Research, Los Angeles, 2001.

Robert Pear, "Propelled by Drug and Hospital Costs, Health Spending Surged in 2000," New York Times, January 8, 2002.

Milt Freudenheim, "Alarmed at Rising Number of Uninsured Americans, Coalition Forms to Reverse Trend," New York Times, February 9, 2002.

Donald W. Light, "Health Care for All: A Conservative Case," Commonweal, February 22, 2002: 14-16.

April 24

Reproductive health and the right of privacy

Wing, Chapter 3

Roe v. Wade

Planned Parenthood of Southeastern Pennsylvania v. Casey
"The War against Women," New York Times, Jan. 12, 2003

Heather Boonstra, "Human Embryo and Fetal Research: Medical Support and Political Controversy," The Guttmacher Report on Public Policy, February 2001, p. 3.

Miranda Biven, "Administrative Developments: NIH Backs Federal Funding for Stem Cell Research," Journal of Law Medicine, & Ethics, Vol. 27:1, Spring 1999, p. 95.

Elizabeth Nash, "Public Funding of Abortion for Poor Women: Where Things Stand," The Guttmacher Report on Public Policy, February 2001, p. 13.

Heather Boonstra, "Emergency Contraception: Steps Being Taken to Improve Access," The Guttmacher Report on Public Policy, December 2002.

Cynthia Dailard, "New SCHIP Prenatal Care Rule Advances Fetal Rights at Low-Income Women's Expense," The Guttmacher Report on Public Policy, December 2002.

Lisa Kaeser, "Confidentiality, Consent Remain Central as Policymakers, Activists Address Changing Face of HIV/AIDS," The Guttmacher Report on Public Policy, December 1998.

May 1

Mental health and the law

Wing, pp. 41-42

Simon Rosenzweig, "The Predicament of the Mentally Disabled in the Community - the Need for a Protective Structure," New York State Bar Journal, April 1990.

Robert Pear, "Employers Told to Accommodate the Mentally Ill," New York Times, April 30, 1997, pp. 1, A15.

"Health Insurance May Be Improving _ But Not for Individuals with Mental Illness," Community Update, June 2000.

May 8

AIDS and the law

Guest Lecturer: David I. Schulman, J.D.

Wing, pp. 42-44.

Lawrence O. Gostin, Chai Feldblum, and David W. Webber, "Disability Discrimination in America: HIV/AIDS and Other Health Conditions," *JAMA*, Vol. 281, No. 8, pp. 745-752, February 24, 1999.

Andrew Tuch, "Disability and ADA: Supreme Court Clarifies the Meaning of Disability under ADA," *The Journal of Law, Medicine & Ethics*, 27:3, pp. 275-278, Fall 1999.

Brief of the City of Los Angeles as amicus curiae in *Bragdon v. Abbott*, in the U.S. Supreme Court, October Term 1997, filed February 6, 1998.

Jim Hahn and David Schulman, "Perspective: The Supreme Court Deals with a Dentist's Fears," *AIDS Policy & Law*, March 18, 1999.

Karen H. Rothenberg and Stephen J. Paskey, "The Risk of Domestic Violence and Women with HIV Infection: Implications for Partner Notification, Public Policy, and the Law," *American Journal of Public Health*, Vol.85, No.11, pp. 1569-1576, November 1995.

May 15

Legislation and litigation to control the tobacco epidemic

U.S. Department of Health and Human Services, *Reducing Tobacco Use: A Report of the Surgeon General*, Centers for Disease Control and Prevention, Office on Smoking and Health, Atlanta, Georgia, 2000, pp. 6-21.

Curbing the Epidemic: Governments and the Economics of Tobacco Control, The World Bank, 1999.

May 22

Ethical-legal issues in health care

Guest Lecturer: Stanton J. Price, JD

Wing, pp. 13-14.

"An Ethical Framework for Access to Health Care," *Securing Access to Health Care*, Vol. I: Report-the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 1983, pp.13-19.

Ruth R. Faden and Tom L. Beauchamp, "The Concept of Informed Consent," in Tom L. Beauchamp and LeRoy Walters (eds.), *Contemporary Issues in Bioethics*, 4th ed., Wadsworth Publishing Company, Belmont, CA, 1994, pp.148-152.

- May 29 Presentation of papers by students.
- June 5 Presentation of papers by students. Discussion of advocacy.

Required Text: Kenneth R. Wing, The Law and the Public's Health, 5th ed., Health Administration Press, Ann Arbor, Michigan, 1999.
Reader available at Westwood Copies, 1001 Gayley Ave. #1004,
(310) 208-3233

Additional Readings: (On reserve at the Biomed Library)
Wing, The Law and the Public Health. 5th Edition, Health Administration Press, 1999.

Thomas S. Bodenheimer and Kevin Grumbach, Understanding Health Policy: A Clinical Approach, Appleton and Lange, Norwalk, CT, 1995.

Steven Jonas, An Introduction to the U.S. Health Care System, 4th ed., Springer Publishing Company, New York, 1998.

Cynthia R. Daniels, At Women's Expense: State Power and the Politics of Fetal Rights, Harvard University Press, Cambridge, MA, 1989.

David Kessler, A Question of Intent: A Great American Battle with a Deadly Industry, Public Affairs, New York, 2001.

Assignments

- (1) Write a weekly note of about 3 pages on the readings for the week summarizing the main points and giving your own comments and views on the issues.
- (2) Keep a diary of issues on health law and policy appearing in the press, to be turned in at the end of the course.
- (3) Prepare an issue paper (8-10 pages) on a legal issue or legislation, setting forth a problem in health law or policy, differing points of view, options for solution, your recommendation and reasons, including references. **Due May 8.**