APPLICATION FOR NEW COURSE

1. Submitted by College of ___________________________ Date ___________________________
   Public Health

Department/Division offering course ___________________________
Health Services Management

2. Proposed designation and Bulletin description of this course

   a. Prefix and Number CPH 653 b. Title* Public Health Law & Policy

*NOTE: If the title is longer than 24 characters (including spaces), write
A sensible title (not exceeding 24 characters) for use on transcripts

   c. Lecture/Discussion hours per week 3 d. Laboratory hours per week 0

   e. Studio hours per week 0 f. Credits 3

   g. Course description: Overview of public health law with emphasis on topics and materials used by public health practitioners, as well as the use of law to advance a public health agenda.

   h. Prerequisites (if any) Public Health graduate student standing; CPH 663, or consent of instructor.

   i. May be repeated to a maximum of ___________________________ (if applicable)

4. To be cross-listed as

   Prefix and Number ___________________________ Signature, Chairman, cross-listing department

5. Effective Date Fall 2006 (semester and year)

6. Course to be offered x Fall □ Spring □ Summer

7. Will the course be offered each year? □ Yes x □ No
   (Explain if not annually) Based on demand after being offered 4 times, should be offered every 3rd semester

8. Why is this course needed?
   Public health law is one of the cross-cutting areas of emphasis in several guidelines for public health curricula.

9. a. By whom will the course be taught? ___________________________
    Julia F. Costich

   b. Are facilities for teaching the course now available? □ Yes x □ No
      If not, what plans have been made for providing them?
APPLICATION FOR NEW COURSE

10. What enrollment may be reasonably anticipated?

11. Will this course serve students in the Department primarily?
   x Yes □ No
   Will it be of service to a significant number of students outside the Department?
   □ Yes X No
   If so, explain.

Will the course serve as a University Studies Program course?
□ Yes x No
If yes, under what Area?

12. Check the category most applicable to this course
   x traditional; offered in corresponding departments elsewhere;
   □ relatively new, now being widely established
   □ not yet to be found in many (or any) other universities

13. Is this course applicable to the requirements for at least one degree or certificate at the University of Kentucky?
   x Yes □ No

14. Is this course part of a proposed new program:
   If yes, which?
   □ Yes x No

15. Will adding this course change the degree requirements in one or more programs?*
   □ Yes x No
   If yes, explain the change(s) below

16. Attach a list of the major teaching objectives of the proposed course and outline and/or reference list to be used.

17. If the course is a 100-200 level course, please submit evidence (e.g., correspondence) that the Community College System has been consulted.

18. Within the Department, who should be contacted for further information about the proposed course?
   Name   Julia F. Costich, PhD
   Phone   7-5678 ext 82026

*NOTE: Approval of this course will constitute approval of the program change unless other program modifications are proposed.
APPLICATION FOR NEW COURSE

Institution of Approval:

CPH Academic Affairs

CPH Faculty Council

Date

2/21/06

Date

5-5-06

Date

Date of Notice to the Faculty

Date

Date

Date

Date

5-19-06

Date

Date of Notice to University Senate

ACTION OTHER THAN APPROVAL

If applicable, as provided by the Rules of the University Senate

Rev 8/02

CPH 653
CPH 653
Public Health Law and Policy

Julia Field Costich, J.D., Ph.D.
College of Public Health
121 Washington Ave., Rm. 105
257-5678 ext. 82026
257-2821 (fax)
Julia.costich@uky.edu

Class schedule and location
[Insert information]

Course description
CPH 653 is an introductory course for non-lawyers in selected aspects of law and policy development related to public health. Major attention is paid to fundamental legal principles and legal reasoning, recurring legal issues confronted by public health agencies, and the use of law to advance a public health agenda. Emphasis is placed on giving students tools to use when they encounter law-related problems in their professional careers. The course is intended for students in all divisions of the College of Public Health.

Prerequisites
Graduate standing in the College of Public Health and CPH 663 (Public Health Practice and Administration), or consent of instructor to waive either requirement. No previous legal experience or training is necessary.

Instructional Methods
Class sessions typically consist of brief introductory lectures by the instructor, a visiting lecturer, or students, followed by guided discussion of assigned textbook readings and original source materials such as court decisions and statutes. The purpose of this instructional method is to expose students to laws and legal concepts in context, and to develop skills in reading and understanding legal materials. Advance preparation and active participation are important.

Course objectives
This class is intended to enable students to:

- Describe the structure and function of the U.S. legal system
- Articulate the general concepts underlying tort and contract law
- Become familiar with the authority and responsibility of government to protect and promote community health, and the limitations imposed by the legal system
- Identify the constitutional and statutory foundations of core public health functions
- Identify and analyze legal issues
- Broaden critical reading, policy analysis and communication skills
• Develop an awareness of the role of law in advocacy for community health
• Work effectively with legal counsel in their public health careers
• Describe the development of public health policy

Course Materials
We will use Goodman et al., *Law in Public Health Practice* (Oxford Univ. Press 2002) as background reading, supplemented by original source materials in a course reader on the course website through Blackboard.

Course Grading

<table>
<thead>
<tr>
<th>Component</th>
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<tr>
<td>Mid-term exam</td>
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<tr>
<td>Final exam</td>
<td>50 percent</td>
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<tr>
<td>Class participation</td>
<td>10 percent</td>
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<tr>
<td>Case presentation/summary</td>
<td>20 percent</td>
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The mid-term will be a relatively brief, in-class short answer exam designed to tell the instructor and students how well they are progressing in their understanding of the course materials at that point. The final will be a short answer and essay exam that may be in a take-home format.

Grading scale:
A: 90-100%
B: 80-89%
C: 70-79%
D: 60-69%
E: lower than 60%

Public Health Competencies
This course is intended to develop the following public health competencies:

1. Analytical Assessment Skills:
   a. Define a problem
   b. Select and define variables relevant to defined public health problems
   d. Recognize how data illuminates ethical, political, scientific, economic, and overall public health issues

2. Policy Development/Program Planning Skill
   a. Collect, summarize, and interpret information relevant to an issue
   b. State policy options and write clear and concise policy statements
   c. Identify, interpret, and implement public health laws, regulations, and policies related to specific programs
   d. Articulate the legal, social, and political implications of each policy option

Plagiarism
Quotation without attribution is plagiarism. Quotation from a published legal opinion must be noted with an appropriate citation. Quotation from an Internet-based source must be noted with a complete URL and date. Primary web-based materials used in the
case presentation and summary should be retained in hard copy until the final class grade is issued. The instructor reserves the right to request inspection of source materials used in graded materials.

**Attendance policy**
Because this class meets only once a week, students with more than two unexcused absences will have their semester grades lowered by 5 percentage points for every additional absence. For these purposes, an absence is defined as missing one hour or more of the class period without an excuse approved by the instructor.

**Communication devices:**
Students must turn off all pagers, cell phones, etc. in the absence of a compelling need to keep them on during class. If there is a compelling need to use the device, it must be switched to “vibrate” or a similar type of silent notification.

**Cases and other materials for presentation**
Each student will select one of the following cases and prepare an in-class oral presentation of about 15 minutes and a written summary of 5-6 pages. The oral presentations will be made on the dates when the materials appear in the syllabus. The written summaries are due no later than [13th class meeting].

1. Ferguson v. City of Charleston
2. Pele v. McDonald’s
3. FDA v. Brown & Williamson
4. McCarth v. Boozman
5. Me tabolife int’l Inc. v. Wornick
6. Sindell v. Abbott Labs
8. PHAR MA v. Walsh
9. U.S. v. Morrison
10. Planned Parenthood v. Casey
11. PGA v. Martin
12. Aliessa v. Novello

**CPH 653**

**Public Health Law and Policy**

**Course Outline**

Week 1. Course overview, pretest, introduction to the U.S. legal system, including the institutions of government at the federal, state, and local levels; sources of law; and concepts of legal rights.

Assigned readings: Text: Introduction and Ch. 1; Shaw and Matthews PowerPoints, U.S. constitution
Week 2. Nature and extent of the government's authority to take action to protect the public's health, and the constitutional and other legal limitations on the government's exercise of that authority. Introduction to constitutional principles of due process and equal protection.

Assigned reading: Goodman ch. 2, 4; Reading a legal opinion/Commmonwealth v. Coffman; Lexington-Fayette County Food & Beverage Ass'n v. LFUCG, other smoking ban cases, PHARMA v. Walsh.

Week 3. Role of the judiciary in public health. Visiting speaker.

Frontline public health: Challenges and dilemmas relating to confinement of individuals for prevention or treatment of disease; public health and law enforcement; legal issues posed by multidrug resistant tuberculosis; distinction between procedural and substantive rights. First and Fourth Amendment issues in public health and AIDS. Public health and drug abuse.

Assigned reading: Judge Linda Chezem essay on Blackboard; Goodman ch. 6 and 7, Greene v. Edwards, Ferguson v. City of Charleston, Souvannarath v. Hadden; “Law lets TB patient infect 12 others”

Week 4. Public health law ethics and practice.

Assigned reading: Goodman ch. 3; Public Health Ethics Code and annotations; case studies posted on Blackboard.

Week 5. Concept of direct (command and control) regulation; legal rules governing the administration of government public health agencies; rulemaking process; administrative review of rulemaking; judicial deference to administrative agency determinations. Specific examples of issues in public health regulation (e.g., controversy over FDA regulation of tobacco, etc.); comparison of legislative vs. administrative process in creating public health policy.

Assigned reading: Goodman ch. 13, 18; McCarthy v. Boozman; Chevron v. NRDC, Geier v. American Honda Motor Co., Kentucky statutes and regulations.


Tobacco issues and public health law; introduction to the basic elements of a tort claim, corporate negligence, and strict liability. Individual, class action and government lawsuits against makers of harmful products.

Week 7. Public health policy development


Week 8. Midterm exam

Week 9. Law of nuisance and its impact on modern public health practice; tension between legal authority of public health professionals to identify and abate nuisances while not infringing on the rights of individuals. History and purpose of land use planning to protect public health and safety; legal methods used to regulate land use at the local, state and federal level. Federal and state environmental regulation to protect public health, focusing on environmental justice issues.

Assigned reading: Goodman ch. 11 and 18, US Constitution: Fifth, Tenth, Fourteenth Amendments; articles on isolation and quarantine; Altman v. City of High Point, Kelo v. City of New London; environmental justice materials on website

Week 10. Pharmacy law presentation by guest lecturer Joseph Fink, Pharm.D., J.D. Legal issues surrounding health data collection, including reporting requirements, confidentiality and privacy, subpoenas of health records and scientific data, etc. Health communication and behavior: health promotion campaigns, their legal limitations and restrictions; regulation of advertising in relation to First Amendment rights; risk of defamation in product disparagement or counter-advertising.


Week 11. Injury and the law; Americans with Disabilities Act.

Assigned reading: Goodman ch. 19-20; review Americans with Disabilities Act (selections) and cases; University of Alabama v. Garrett, Abbott v. Bragdon, PGA v. Martin;

Week 12. Visiting speaker: Professor Nicole Huberfeld, UK College of Law. Introduction to law of contracts, particularly government contracts
Assigned reading: CDC Negotiation module, PowerPoint materials on contracts.

Week 13. Statutory rights for vulnerable populations; reproductive health issues.


Week 15. Review, distribution of final exams.

Week 16. Final exam due by 5:00 p.m.
MEMORANDUM

TO: Health Care Colleges Council

FROM: Linda A. Alexander, EdD
Associate Dean for Academic Affairs

SUBJECT: Proposal for CPH 653 Public Health Law and Policy

DATE: May 5, 2006

It is the intention of the Department of Health Services Management in the College of Public Health to formally establish a course to teach students in the MPH degree program about the impact the law has on public health policy. Other components of the course include an emphasis on topics and materials used by public health practitioners and the use of law to advance a public health agenda. The course has been taught on several previous occasions as a special topics course, and was very well received by students. It is being taught again in the Fall of 2006.

This course proposal has been reviewed and approved by the Academic Affairs Committee and the Faculty Council, according to our college's established bylaws.

Further information about this course can be obtained by contacting the course director, Dr. Julia Costich, via phone at 7-5678 ext 82026 or via email at jfcostich@email.uky.edu.
**UNIVERSITY SENATE REVIEW AND CONSULTATION SUMMARY SHEET**

**Proposal Title:** CPH 653 Public Health Law and Policy

**Proposal Contact:** Julia Costich, Department of Health Services Management, College of Public Health  
121 Washington Avenue, Room 105, 0003  
257-5678 ext. 82026 jfcost0@email.uky.edu

**Instruction:** To facilitate the processing of this proposal please identify the groups or individuals reviewing the proposal, identify a contact person for each entry, provide the consequences of the review (specifically, approval, rejection, no decision and vote outcome, if any) and please attach a copy of any report or memorandum developed with comments on this proposal.

<table>
<thead>
<tr>
<th>Reviewed By</th>
<th>Contact person</th>
<th>Consequences of Review</th>
<th>Date of Proposal Review</th>
<th>Review Summary Attached?</th>
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<td>Julia Costich, Department Chair</td>
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<td>4/24/06</td>
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<td>Academic Affairs Committee</td>
<td>Rick Crosby, Chair</td>
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<td>Pamela Teaster, Chair</td>
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<tr>
<td>Office of Academic Affairs</td>
<td>Linda Alexander, Associate Dean</td>
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<td>5/4/06</td>
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