COURSE MEETINGS:

Monday through Friday, 10:30 a.m.-12:20 p.m. (Section 1) or 3:30-5:20 p.m. (Section 2).
Both sections held in FXB-G13.
Optional review session (led by Teaching Fellow): Mon., July 25, 5:30pm, Room G1

INSTRUCTORS:

Michelle M. Mello, J.D., Ph.D.  (Course Director)
Professor of Law and Public Health
Department of Health Policy and Management
Office: Kresge room 407
Office hours: By appointment, or drop-in for quick questions
Phone: (617) 432-0217  Fax: (617) 432-4494
Email: mmello@hsph.harvard.edu

David Studdert, LL.B., Sc.D.
Professor
School of Law, School of Population Health, University of Melbourne
HSPH office location: Kresge 438
Office hours: By appointment
HSPH phone: please use email
Email: d.studdert@unimelb.edu.au

Daniel Wikler, Ph.D.
Mary B. Saltonstall Professor of Population Ethics
Department of Population and International Health
Office: FXB Building room 636
Office hours: By appointment
Phone: (617) 432-2365
Email: wikler@hsph.harvard.edu

TEACHING FELLOWS:

Stephanie Morain  (morning section)
Office hours: Thursdays, 12:30-1:20pm in Kresge Cafeteria (open to both sections)
Tel: 515-240-2118
Email: smorain@fas.harvard.edu

Brendan Saloner  (afternoon section)
Office hours: Wednesdays, 12:30-1:20 in Kresge Cafeteria (open to both sections)
Tel: 510-285-7868
Email: bsaloner@fas.harvard.edu
**Course Objectives:**

At the completion of this course, you will be able to:

1. Describe and distinguish several of the leading ethical frameworks for the analysis of public health problems, apply them to real-world problems, and critically evaluate the strengths and weaknesses of each approach.
2. Identify and analyze a number of important ethical issues arising in public health practice.
3. Construct a strong ethical argument.

**Course Materials:**

Required readings are either accessible online or compiled in the Coursepak. Weblinks to online sources are available on the *Readings on Reserve* page of the course website.

The following materials (hard copies on reserve at Countway Library) are recommended references for those who desire more background information about foundational issues in the course:

- **Moral philosophy:** Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (2nd ed. 2002)
- **Principles of medical ethics:** Tom Beauchamp & James Childress, *Principles of Biomedical Ethics* (5th ed. 2001).

**Homework, Exam, & Grading:**

**Homework**

A homework assignment will be distributed toward the end of second week of class (Thurs, July 14). Your response should present an ethical analysis of an issue in public health in no more than 5 double-spaced pages. The homework will be due at the beginning of class on Mon, July 18.

Your responses to the homework question must represent your own work only. This is not a collaborative project. You should generate ideas for your answers and write your answers on your own. You may consult your notes and all course materials in preparing your homework answers.
Examination
You will have a 72-hour period in which to complete a take-home exam that is designed to be completed by most students in no more than 6 hours. It will be handed out at 5:15pm on the last Tuesday of the course (July 26), and posted on the course website immediately thereafter, and it will be due at 5:00pm on the last Friday, July 29. Your answers will be restricted to 8 double-spaced pages total. The exam will consist of questions similar to those posed on the homework assignment, and may cover material from any part of the course.

Final exams must be completed independently. You may prepare for the exam in conjunction with other students. However, once the exam has been handed out, you may not talk with others about the exam or course material for the entire exam period. You may consult your notes and all course materials in preparing your exam answers.

Class participation
Class participation consists of three elements: (1) attendance; (2) evidence of preparation; and (3) making thoughtful, relevant contributions to class discussions. If you must miss a class session, we invite you to attend that lecture in the other section of the course.

Course grade calculation
Initial score = weighted average of exam score (65%) and homework score (35%). Class participation is then taken into account qualitatively to move students who are near the grade cutoff points and have good class participation up to the next-highest grade.

IMPORTANT POLICIES:

Policy on extensions
Summer students typically juggle a number of responsibilities in addition to their coursework. Although this can create challenges for timely completion of coursework, in fairness to all students, we are not able to grant extensions on the homework or exam to accommodate competing demands (e.g., grant application deadlines, conferences). However, emergencies do arise (e.g., family emergency, illness) and we can often offer flexibility in such cases. Let Prof. Mello or Prof. Studdert know as soon as you become aware of such a situation. Only in very exceptional circumstances would we grant an extension once an assignment is late.

Policy on late work
Written work that is received late, where an extension was not granted in advance of the deadline, will ordinarily be assessed a penalty. For work received within 12 hours of the deadline, 1 point (out of 10) per question will be deducted. For work received 12-24 hours late, 1.5 points per question are deducted. For work received more than 24 hours late, 2 points per question are deducted. Because we distribute feedback sheets detailing homework and exam answers, we cannot accept late work after we have distributed these sheets (typically 3-7 days after the due date).
Policy on acknowledging sources

Whenever ideas or facts are derived from a student's reading and research the sources must be indicated. The term 'sources' includes not only published primary and secondary material, but also information and opinions gained directly from other people. Quotations must be placed within quotation marks, and the source must be credited. All paraphrased material also must be acknowledged. It is not necessary to reference course lectures.

**COURSE COMMUNICATIONS:**

Course announcements, and information will be available on the course website for Section 1 of the course, which can be accessed through your MyHSPH portal. A Harvard PIN is required. We will also make periodic communications by email. We recommend that you check the website and your email daily.
**Course Schedule:** *(Dates apply to both sections of the course)*

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<th>Topic</th>
<th>Key Dates</th>
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<td>Course introduction &amp; Moral reasoning</td>
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<td>Fri 7/8</td>
<td>Wikler</td>
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<td>Tues 7/12</td>
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<td>Ethical theory II</td>
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<td>Wed 7/13</td>
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<td>Constructing an ethical analysis</td>
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<td>Thurs 7/14</td>
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<td>Mon 7/25</td>
<td>Wikler</td>
<td>Markets for kidneys?</td>
<td>Optional review session 5:30pm</td>
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<td>Tues 7/26</td>
<td>Wikler</td>
<td>Ethics of research with human subjects: the core issues</td>
<td>Final exam handed out 5:15pm</td>
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<td>Wed 7/27</td>
<td>Mello</td>
<td>Genetic screening</td>
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<td>Thurs 7/28</td>
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<td>No class</td>
<td>Day off to work on the final exam</td>
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<tr>
<td>Fri 7/29</td>
<td>Mello</td>
<td></td>
<td>Final exam due 5:00pm</td>
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READING ASSIGNMENTS:

Access online page of the course website.

Course Introduction & Moral Reasoning
Instructor: Studdert & Wikler

Ethical Theory I
Instructor: Wikler

Optional: Consequentialism. Access online.
Deontological ethics. Access online.

Life’s Chances
Instructor: Wikler
Readings: Class time will be used to watch and discuss parts of two films: *The New Boys* and *Gandhi’s Children*.

There are no specific readings for this class. We strongly recommend you use the time to start on the following readings assigned for Constructing an Ethical Analysis (Wed 7/13):


Ethical Theory II
Instructor: Studdert
Ruger JP. Ethics in American health 1: ethical approaches to health policy. Am J

Constructing an Ethical Analysis

**Instructors:** Mello and Studdert

**Readings:** Exercise: Analysis and Critique of Pomfret et al. Article


Also review the following readings assigned on Mon 7/11:


Public Health Practice

**Instructor:** Studdert

**Readings:** Jacobson v. Massachusetts, 197 US 11 (1905).


Informed Consent

**Instructor:** Studdert


Johnson v Kokemoor, 1999 Wis.2d 615 (1996).

Optional: Berger O et al. The length of consent documents in oncological trials is
Confidentiality

Instructor: Studdert


Rights and Access to Health Care

Instructor: Studdert


Friedman EA, Adashi EY. The right to health as the unheralded narrative of health care reform. JAMA;2010;304:2639-40. Access online.

Moffit RE. Obamacare and the individual mandate: violating personal liberty and federalism. Access online.


Scarcity & Rationing I

Instructor: Mello


Case Study: The Oregon Health Plan (and accompanying Fact Sheet)

Case Study: Making Cuts in a Health Department Budget (and accompanying Fact

Scarcity & Rationing II

Instructor: Mello

Readings: David Ozar, Jessica Berg, et al., Organizational Ethics in Healthcare: Toward a Model for Ethical Decision-making by Provider Organizations (2000), pp. 4-14 (OK to skim pp. 4-8).


Case Study: The Case of Ibrahim Silla

Personal Responsibility for Health

Instructor: Mello


Case Study & Appendices: The Evergladia Medicaid Program. Appendices are in the Coursepak (labeled “Mountain Health Choices”); Case Study will be posted online a few days before class.

New York Times:


Urbina I. In the treatment of diabetes, success often does not pay. NY Times, Jan. 11, 2006. Access online.

Santora M. East meets west, adding pounds and peril. NY Times, Jan 12, 2006. Access online.

Markets for Kidneys?

Instructor: Wikler


Matas AJ. Should we pay donors to increase the supply of organs for transplantation? Yes. BMJ 2008;336:1342. Access online.

Chapman J. Should we pay donors to increase the supply of organs for


Ethics of Research with Human Subjects: The Core Issues

Instructor: Wikler


Genetic Screening

Instructor: Mello


Case Study: Ethical Implications of a Decision on MCADD Screening of Newborns

Case Study: PKU and Follow-Up


“Fetal Abuse”

Instructor: Mello
Readings: Case Study: The Case of Tracy Jackson.

Cole HM (for AMA Board of Trustees). Legal interventions during pregnancy: Court-ordered medical treatments and legal penalties for potentially harmful behavior by pregnant women. JAMA 1995;264:2663-70. (skim 2663 through left column of 2666; read remainder). Access online.


Case Study: The Case of the Longlife Battery Company