INTRODUCTION

Teaching Public Health Law: Time for a Status Upgrade

Frances H. Miller

Public health law has never enjoyed particularly high standing in the curricular pecking order of most law schools; too few legal academics understand that more advances in human health and well-being have stemmed from implementing population-wide health measures, like vaccination and sanitation improvements, than from administering medical care to individuals. They often fail to recognize — disregard, if you will — public health law as a crucially important tool in the arsenal of measures to improve the general health and well-being of populations. Schools of public health, on the other hand, have been much more keenly aware of public health law’s importance to social welfare, and have thus taken it more seriously in the classroom. But they have generally lacked the ability to help agencies bring legal tools to bear on public health problems because their students are not generally lawyers.

The Robert Wood Johnson Foundation (RWJF), “the nation’s largest philanthropy dedicated solely to health,” decided in 2010 to make improving public health law and its practice a major focus of its philanthropic outreach. It recognized that beleaguered and underfunded local public health agencies often lack the sophisticated expertise to tackle complex problems, and that they rarely have resources sufficient to do more than react to public health problems reflexively as they flood in (sometimes literally). To help ameliorate those problems, RWJF established the Public Health Law Network to provide a one-stop website devoted to making public health law expertise and policy accessible to other lawyers and the general public.

The Foundation also launched a number of fellowship programs designed to enrich and enhance the teaching and practice of public health law, including the Scholars in Residence Fellowship Program (SIR), which I had the good fortune to direct during 2013. The Foundation established SIR because it realized that public health law teaching in the legal academy needed a dose of reality-testing, which could be accomplished in conjunction with providing high-level scholarly help to public health agencies whose legal resources have long been stretched thin by budgetary pressures. RWJF also recognized that public health law needed a status upgrade within academe, so that students (and faculty) would perceive careers in devising, implementing, and protecting public health initiatives as an attractive practice opportunity.

Thus was born the idea of giving a small number of master teacher/scholar law professors six-month fellowships, which would include embedding themselves physically in the public health agencies of their choice for at least a month. There they would work on a pressing legal issue agreed upon between themselves and their agencies, and at the end of six months, the fellows would produce reports designed to “make things better” concerning those problems. In the process they would acquire first-hand knowledge about the way public health law actually plays out in practice, and then bring that wisdom back to enrich their students’ classroom learning and stimulate their interest in public health sector practice.

The SIR program worked out splendidly, and the six outstanding law professors chosen for the fellowships exceeded our expectations for enthusiastic partnering with their agencies to work on pressing issues — some of them long-term problems and others of more recent origin. The agencies would probably have lacked sufficient professional staff to tackle these difficulties so thoroughly and successfully on their own, and were correspondingly grateful for the scholarly assistance.

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The projects ranged from bedbug eradication and cross-border control of infectious tuberculosis, to regulating small cigars and in-home care agencies, to proposing agency collaboration with not-for-profit hospitals to fulfill the Affordable Care Act’s community health assessments requirement, to drafting ambulatory care improvement legislation and health officer orders requiring medical worker vaccination or masking during flu seasons. In some ways the most rewarding — and somewhat surprising — aspect of these widely varying alliances has been the continuing relationships forged between many of the fellows and their agency counterparts, which persist more than a year after their formal relationships ended.

As a by-product of their agency experiences, the SIR Fellows also produced the public health law teaching modules published in this supplement to the *Journal of Law, Medicine & Ethics*. Their materials reflect not only the varying experiences of their authors interfacing with the way public health law is actually practiced, but also the insights the fellows gained about better teaching through reflecting on what they learned “at the coal face.” RWJF made producing these modules — which include background materials, problem exercises, and mini teaching manuals, as well as (in some cases) explanatory PowerPoint slides — a requirement of the SIR Fellowships. The Foundation is dedicated to raising the profile and teaching of public health law in the nation’s law, medical, and nursing schools, as well as in its schools of public health — and in any other educational venues where students can be imbued with a passion for staying involved with the constantly evolving and often fascinating ways in which law can be used to promote better population health. We hope these teaching materials will advance that objective.

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