



Unit 5 Assignment: Constitutional Rights and Public Health Prevention

Unit outcomes addressed in this Assignment:

- Explain the scope of health law, policy, and ethics.
- Identify how health policies balances the Constitutional rights of individuals and the needs of society.
- Summarize ethical principles emanating from the Belmont Report.
- Interpret how the Nuremberg Code seeks to protect research subjects from harm.

Course outcome(s) assessed in this Assignment:

PU120-3: Explain how public health policy balances the Constitutional rights of individuals and the public health needs of society.

Instructions

Read the following scenario and completely answer the questions that follow in a Word document. Although there is no minimum word requirement for this assignment, full credit will not be provided for submissions that fail to fully address the questions.

Scenario

Staring out over the deck of his lakeview apartment, Brice shook his head in disbelief. He just cannot believe the turn of events over the past few days. Heck, it was just a couple of weeks ago, over the Thanksgiving holiday when he was bragging that he was the luckiest guy in the world. Little did he know then, celebrating his favorite holiday with his family, that he would be court-ordered to spend the next 21 days quarantined in his apartment, with no physical contact with anyone, other than health officials who came to monitor him each day.



Brice is a 28-year-old IT specialist, working for a high tech company in upstate New York. He loves his job, not only because he is good at what he does, but because he can work much of each week from his spacious apartment, which is located in a beautiful part of town. Brice has only been with the company for about 6 months, but has already made some great friends and he just recently became engaged to Gemma, a critical care nurse working with the organization Doctors Without Borders. She returned from Liberia 10 days ago, where she spent the last 3 months caring for Ebola patients. Brice can't believe that the joy he experienced just 10 days ago upon Gemma's return could drastically change to such feelings of despair and concern about what the future holds for both of them.

Brice found himself repeatedly replaying everything that occurred since Gemma returned home. He picked her up at the airport 10 days ago. How excited they both were to see each other. They chatted nonstop from the time they left the airport to the point when they pulled up to his apartment. There was so much to talk about; Thanksgiving with his family in Pennsylvania, their upcoming wedding and their jobs. It was not until a couple of days later, just a day before they planned to leave for Pennsylvania, that Gemma called him and explained how sick she was. She had a fever, chills, and every muscle in her body ached. Brice told her that they would skip their trip to his folks' house and just lay low for Thanksgiving. But Gemma insisted that he go and enjoy the holiday. After all, there was no sense in both of them missing the big turkey dinner. Reluctantly, Brice agreed. The moment Brice got back home from his holiday trip he called Gemma to find out how she was feeling. She was no better, in fact, she sounded much worse. Brice rushed to Gemma's apartment to take her to the doctor's, but when he took one look at her, he decided that he needed to take her to the local emergency department right away.

In the emergency room, the triage nurse took Gemma's vitals, and learned that she had just returned from Liberia; a West African country hit hard with Ebola. When she learned that Gemma was a nurse who had direct contact with Ebola patients, the triage nurse immediately followed the newly developed protocols for patients who have recently been exposed to this disease. Before he knew it, Brice was being whisked away to a small room



where he was interviewed by hospital staff. A short time later, others arrived from the local and state health departments, Before he knew it, the small “interview” room turned into what Brice termed the “interrogation room.” By the time staff from the Centers for Disease Control and Prevention arrived, Brice was really becoming irritated with all the questions, many of them very personal. In a burst of anger, Brice stood up and belted out,

“Have I been intimate with my fiance? Yes!
How much time have we spent together since she returned from Liberia? Every moment possible!
Have we kissed? Yes!
Have we hugged? Yes!
Have we had sexual relations? Yes! Yes! Yes to everything!
We are engaged for crying out loud! Now, if there is nothing else, I am going to find out how my fiance is doing and be at her side.”

Thinking back over that interview now, Brice had to admit he did not do himself any favors. But he was angry and a bit scared with all the hoopla going on at the time. But the real anger came when staff from the CDC told him that he could not be with Gemma now. Instead that they were going to have to take steps to place him in quarantine for at least the next 21 days. To make matters even worse, they demanded that Brice provide them with the names, addresses and phone numbers of everyone he had come in contact with since Gemma’s return. Depending upon the type of contact he had with each of them, they too might need to be monitored closely and possibly quarantined. That was when Brice really lost it! He began screaming about his Constitutional rights. He reminded them that they were on U.S. soil and that he was a U.S. citizen. He reminded them of the rights guaranteed to every citizen of this country...the right to liberty...and he explained to them that this meant the right to have the freedom to come and go as he pleased. Brice knew then, just by looking at all the faces staring back at him, that no matter how clearly he could recite his Constitutional rights, they were hearing none of it.



So, here he was, staring out over his deck, thinking and worrying about his dear Gemma who was diagnosed with Ebola. He was thinking about his mom and dad and his brothers too. They were not quarantined, but they are being monitored closely. Yes, he had kissed and hugged each of them when he was home for Thanksgiving. Thanksgiving, his favorite holiday of the year. Brice found himself hoping that when he sat down to that big turkey dinner next year that they would all be together, healthy, happy, and truly grateful.

Questions

1. What legal grounds does the CDC and the New York State Department of Health have to quarantine a United States citizen against their will?
2. The official from the CDC informed Brice that they "...were going to have to take steps to place him in quarantine for at least the next 21 days." What "steps" was the CDC official referring to?
3. Is Brice entitled to legal counsel? Explain.
4. What must public health officials demonstrate to the court to have an order of quarantine issued?
5. Brice was placed in quarantine in his apartment. Why was he not placed in a hospital isolation unit or even locked in a jail cell where officials could monitor him more closely to assure he would not break the quarantine order?
6. What are the societal benefits of quarantine?
7. Quarantine is one of many "police powers" that exist today. What is the purpose of police powers and how can they be justified in a country where so many freedoms are provided by this nation's Constitution?
8. Quarantine and isolation are just two of many police powers that exist today. How are mandated vaccines, seatbelts ordinances, or smoking bans in public places, for example, comparable to these police powers, and how can they be justified by public health officials as needed to improve population health?
9. Now, place yourself in the shoes of the CDC official. Sitting before you is an innocent young man, who truly feels like a man without a country. He is a law-abiding and contributing member of society. Although he doesn't know exactly what is unfolding,



he knows it is bad and he is frightened, not only for himself, but for his finance and his family members back in Pennsylvania. However, as much as you may feel for Brice, your mind cannot help but think of all those people Gemma has come in contact with since she became symptomatic. Your job is to do everything possible to protect the public from this serious communicable disease. As such, how do you respond to Brice? How do you justify to him the need to temporarily infringe upon his Constitutional rights in an effort to protect the health of the community where he resides?

Requirements

- The essay should be properly formatted using APA 6th Edition guidelines, which includes double-spaced 12 point Times New Roman font, 1" margins, a title page, and applicable headers.
- Include a list of scholarly peer-reviewed sources using APA 6th Edition guidelines for in-text and reference citation style.
- The essay should have a sustained viewpoint and use Standard American English.
- Please be sure to download the file "Writing Center Resources" from Doc Sharing to assist you with meeting APA expectations for written Assignments.

Submitting Your Work

For directions on how to submit your work and review your graded Assignments, refer to the Dropbox Guide found on the Academic Tools tab. Make sure that you save a copy of your submitted work.

Grading Criteria

Be sure to review the grading rubric for this Assignment in the Course Home.

Resources: KU Academic Support Center



APA title page tutorial: <http://www.screencast.com/t/SzdTts7wl9d>

APA How to insert a header (tutorial): <http://www.screencast.com/t/SzdTts7wl9d>

APA Citations (tutorial): <http://www.screencast.com/t/1w4ccUBc4fUJ>

APA References (tutorial): <http://www.screencast.com/t/cbpnabpDHciq>