

## Appendix B: Bibliography

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### What are the Social Determinants of Health?

- Samantha Artiga & Elizabeth Hinton, *Beyond Health Care: The Role of Social Determinants in Promoting Health and Health Equity*, KAISER FAMILY FOUNDATION (May 10, 2018), <https://www.kff.org/disparities-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/> (discussing what the SDOH are)
- Scott Burris, *From Health Care Law to the Social Determinants of Health: A Public Health Law Research Perspective*, 159 U. PA. L. REV. 1649 (2011) (discussing the SDOH and explaining how they work)
- *Social Determinants of Health: Know What Affects Health*, CDC, <https://www.cdc.gov/socialdeterminants/index.htm> (last visited August 5, 2020) (discussing the conditions that constitute the SDOH and providing resources about them)
- William C. Cockerham, et al., *The Social Determinants of Chronic Disease*, 52 AM. J. PREVENTIVE MED. 1S1 (2017) (discussing the concept of the SDOH)
- *Social Determinants of Health*, OFFICE OF DISEASE PREVENTION AND HEALTH PROMOTION, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health> (last visited August 5, 2020) (discussing examples of the SDOH)
- ROBERT WOOD JOHNSON FOUNDATION, A NEW WAY TO TALK ABOUT THE SOCIAL DETERMINANTS OF HEALTH (2010), <https://www.rwjf.org/en/library/research/2010/01/a-new-way-to-talk-about-the-social-determinants-of-health.html> (discussing the best ways to describe the SDOH)
- *About Social Determinants of Health*, WORLD HEALTH ORG., [https://www.who.int/social\\_determinants/sdh\\_definition/en/](https://www.who.int/social_determinants/sdh_definition/en/) (last visited August 4, 2020) (discussing the key concepts of the SDOH)

### How Law Impacts the SDOH

- Scott Burris, *Law in a Social Determinants Strategy: A Public Health Law Research Perspective*, 126 PUB. HEALTH REP. (SUPP. 3) 22 (2011) (discussing how law affects health by acting as a mechanism through which social structures influence the public health)

## White Paper Two: Appendix B

- O.B.K. Dingake, Letter to the Editor, *The Rule of Law as a Social Determinant of Health*, 19 HEALTH AND HUMAN RIGHTS J. 295 (2017)  
(discussing four categories by which the law shapes life circumstances and therefore health)
- R.A. Hahn, B.I. Truman, & D.R. Williams, *Civil Rights as Determinants of Public Health and Racial and Ethnic Equity: Health Care, Education, Employment, and Housing in the United States*, 4 SOC. SCI. AND MED. POPULATION HEALTH 17 (2018)  
(discussing how civil rights laws affect the societal distribution of resources that then affect health outcomes)
- Jonathan N. Kromm et. al., *Public Health Advocacy in the Courts: Opportunities for Public Health Professionals*, 124 PUB. HEALTH REP. 889 (2018)  
(discussing the courts' profound influence on public health decisions that affect the public's health)
- David Ray Papke & Mary Elise Papka, *A Foe More Than A Friend: Law and the Health of the American Urban Poor*, 44 FORDHAM URBAN L.J. 1 (2017)  
(discussing the way the law is intertwined with the social conditions producing negative health outcomes in low-income areas)

### The Public Health Norm

- Micah L. Berman, *Defining the Field of Public Health Law*, 15 DEPAUL J. HEALTH CARE L. 45 (2013)  
(discussing the assertion that the public health should be an important value for courts to weigh)
- Michael Da Silva, *The International Right to Health Care: A Legal and Moral Defense*, 39 MICH. J. INT'L L. 343 (2018)  
(discussing the foundational norms of human rights law that require a certain baseline of health care)
- LAWRENCE O. GOSTIN & LINDSAY F. WILEY, PUBLIC HEALTH LAW: POWER, DUTY, RESTRAINT (3rd ed. 2016)  
(discussing the definition of public health law and its aim of promoting the public health)
- WENDY E. PARMET, POPULATIONS, PUBLIC HEALTH, AND THE LAW (2009)  
(discussing the value the law places on protecting the public health)
- Wendy E. Parmet, *Health Policy or Law? A Population-Based Analysis of the Supreme Court's ACA Cases*, 41 J. HEALTH POL., POL'Y & L. 1061 (2016)  
(discussing the public health as a legal norm through the lens of the litigation around the Affordable Care Act)

## Why Courts Should Consider SDOH

- Emily A. Benfer, *Health Justice: A Framework and Call to Action for the Elimination of Health Inequity and Social Injustice*, 65 AM. U. L. REV. 275 (2015)  
(discussing why courts not considering the SDOH can be harmful, as well as how the SDOH should be integrated into the judicial process)
- Emily A. Benfer, *The Health Justice Project: A Collaborative Commitment to Solving Real World Problems*, 9 IND. HEALTH L. REV. 521 (2012)  
(discussing the benefits of a legal program incorporating multiple disciplines and seeking to address the SDOH)
- COMM. ON PUB. HEALTH STRATEGIES TO IMPROVE HEALTH, FOR THE PUBLIC'S HEALTH: REVITALIZING LAW AND POLICY TO MEET NEW CHALLENGES (2011)  
(discussing the "Health in All Policies" approach and how addressing root causes can improve effectiveness in addressing public health problems)
- Jennifer Jee-Lyn Garcia & Mienah Zulfacar Sharif, *Black Lives Matter: A Commentary on Racism and Public Health*, 105 AM. J. PUB. HEALTH (COMMENTARY) e27 (2015)  
(discussing the need to consider relevant upstream factors in order to address entrenched racism in areas like the legal system)
- Judith Kaye, *Changing Courts in Changing Times: The Need for a Fresh Look at How Courts Are Run*, 48 HASTINGS L.J. 851 (1997)  
(discussing how changing social realities have brought more social issues that challenge the effectiveness of the courts)
- Gwendolyn Roberts Majette, *Global Health Law Norms and the PPCA Framework to Eliminate Health Disparities*, 55 HOW. L.J. 887 (2012)  
(discussing how critical it is for the United States to invest significantly in addressing the SDOH to efficiently reduce health inequities)
- Jessica Mantel, *Tackling the Social Determinants of Health: A Central Role for Providers*, 33 GA. ST. U. L. REV. 217 (2017)  
(discussing the SDOH and detailing the non-medical factors that impact an individual's health)
- Wendy K. Mariner, *Beyond Lifestyle: Governing the Social Determinants of Health*, 42 AM. J.L. & MED. 284 (2016)  
(discussing how governmental actions are still too focused on individual behavior and not enough on social factors, creating a risk of health disparities and health inequity, and unlikely to substantially improve health at a population level )
- Lauren Roth, *Redefining "Medical Care,"* 27 CORNELL J.L. & PUB. POL'Y 65 (2017)

(discussing how the country is harmed by focusing on specifically “medical” care instead of overall “health” care and how the law would do better to have a broader definition incorporating the SDOH)

- Kristen Underhill, *Purchasing Health? The Promise and Limits of Public Health Insurance*, 119 COLUM. L. REV. F. 302 (2019)  
(discussing how judges have been reluctant to interpret Medicare funds as applying to things outside of direct medical care, and how the system could be improved with a broader understanding)

### SDOH and Problem-Solving Courts

- GREG BERMAN & JOHN FEINBLATT, *GOOD COURTS: THE CASE FOR PROBLEM-SOLVING JUSTICE* 33 (digital ed., Quid Pro Quo Books 2015) (2005)  
(discussing problem-solving courts’ recognition that court cases are symptoms of larger social problems, and the steps they take to address things like the SDOH)
- Stacy Lee Burns, *The Future of Problem-Solving Courts: Inside the Courts and Beyond*, 10 U. MD. L.J. RACE, RELIGION, GENDER AND CLASS 73 (2010)  
(discussing how the larger context of social problems outside the court must be addressed in formulating solutions)
- Pamela Casey & David Rottman, *Problem Solving Courts: Models and Trends*, 26 JUST. SYS. J. 35 (2013)  
(discussing the collaborative, multi-disciplinary approach adopted by problem-solving courts, and how it is used to address underlying issues like the SDOH)
- Michael King, *Should Problem-Solving Courts Be Solution-Focused Courts*, 80 REV. JUR. U. P.R. 1005 (2011)  
(discussing problem-solving courts and their aim to resolve underlying issues, like the SDOH)

### The Relevance of the SDOH to Selected Legal Issues and Doctrines

#### *Eviction Law*

- Judge Kathleen Coffey, *Homeless Court: The Court of Second Chances*, 59 BOS. B.J. 23 (2015)  
(discussing homeless court’s awareness of health harms of homelessness, demonstrating how their recognition of the SDOH can be a benefit)
- Gerald Dickinson, *Towards a New Eviction Jurisprudence*, 23 GEO. J. ON POVERTY L. & POL’Y 1 (2015)

(discussing recent evidence supporting eviction courts using more discretion in avoiding injustices by including aspects of a broader analysis, such as the SDOH)

- Megan Stuart, *Housing is Harm Reduction: The Case for the Creation of Harm Reduction Based Termination of Tenancy Procedures for the New York City Housing Authority*, 13 N.Y. CITY L. REV. 73 (2009)  
(discussing housing as a SDOH, including the decreased risk of health harms like HIV for individuals with stable housing)

### *Opioid Litigation & Drug Courts*

- Richard C. Ausness, *The Current State of Opioid Litigation*, 70 S.C. L. REV. 565 (2019)  
(discussing possible public nuisance claims against opioid manufacturers, in which plaintiffs would argue that the opioid crisis has damaged the public health, implicating the SDOH)
- Sandro Galea & David Vlahov, *Social Determinants and the Health of Drug Users: Socioeconomic Status, Homelessness, and Incarceration*, 117 PUB. HEALTH REP. (Supp. 1) 135 (2002)  
(discussing the need for a full spectrum of interventions including policy change and individual level factors to fully address the SDOH in drug cases)
- Nicholas P. Terry, *The Opioid Litigation Unicorn*, 70 S.C. L. REV. 637 (2019)  
(discussing the argument that settlements in opioid litigation may distract from the real causes that should be addressed, the SDOH)
- Janet York et. al., *Family Drug Treatment Courts and Social Determinants of Health*, 50 FAM. CT. REV. 137 (2012)  
(discussing why family drug treatment courts should consider the SDOH)

### *Causation*

- Daniel J. Brown, *Clear as Mud—The Role of Epidemiological Data in Assessing Admissibility under Delaware Rule of Evidence 702*, 13 DEL. L. REV. 71 (2012).  
(discussing the role of judges in deciding the admissibility of causation evidence, including the need to account for possible alternative explanations, like the SDOH)
- David L. Eaton, *Scientific Judgment and Toxic Torts—A Primer in Toxicology for Judges and Lawyers*, 12 J.L. & POL’Y 5 (2003)  
(discussing environmental factors that can lead to increased incidences of diseases and how the legal system should use such data in assessing causation)
- Alexandra Lahav, *Chancy Causation in Tort*, SSRN (May 15, 2020), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3633923](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3633923)  
(discussing how familiarity with something, like the SDOH, makes it easier to draw a bridge of inference and identify when it is involved in causation)

- Kerriann Laubach, *Epigenetics and Toxic Torts: How Epidemiological Evidence Informs Causation*, 73 WASH. & LEE L. REV. 109 (2016)  
(discussing the difficulties in establishing causation in toxic torts, as well as the use of evidence concerning environmental factors like the SDOH)
- Andrew S. Lipton, *Proving Toxic Harm: Getting Past Slice and Dice Tactics*, 45 MCGEORGE L. REV. 707 (2014)  
(discussing the argument that epidemiological testimony, including testimony about the effect of environmental factors like the SDOH, is essential to determinations of causation)

### *Environmental Litigation*

- Robin Kundis Craig, *Removing “The Cloak of a Standing Inquiry”: Pollution Regulation, Public Health, and Private Risk in the Injury-in-Fact Analysis*, 29 CARDOZO L. REV. 149 (2007)  
(discussing the argument for a renewed focus on the public health perspective in environmental regulation, requiring a recognition of the relationship between regulations, the public health, and increased environmental risks)
- Jowanna Nicole Oates, *Saying Goodbye to Chevron and Auer? New Developments in the Agency Deference Doctrine*, 91 FL. B.J. 43 (2017)  
(discussing the recent movement towards having courts do more of the interpretation of statutes, requiring a deeper understanding of what is included in “public health”)
- Mark A. Rothstein, *Rethinking the Meaning of Public Health*, 30 J.L., MED., & ETHICS 144 (2002)  
(discussing the movement towards including societal factors like the SDOH within the definition of “public health,” which would have an effect on environmental protection statutes that refer to the “public health”)

### *Public Nuisance Claims*

- Fidelma Fitzpatrick, *Painting Over Long-Standing Precedent: How the Rhode Island Supreme Court Misapplied Public Nuisance Law in State v. Lead Industries Association*, 15 ROGER WILLIAMS L. REV. 437 (2010)  
(discussing the doctrine of public nuisance and why lead paint, an environmental condition of the SDOH, constitutes a public nuisance due to impacting the public health)
- Michael L. Rustad & Thomas H. Koenig, *Reforming Public Interest Tort Law to Redress Public Health Epidemics*, 14 J. HEALTH CARE L. & POL’Y 331 (2011)  
(discussing the need for parens patriae claims like public nuisance to flexibly respond to social problems like tobacco, lead paint, and toxic spills, in which the SDOH would be relevant)

## White Paper Two: Appendix B

- Jonathan E. Selkowitz, *Guns, Public Nuisance, and the PLCAA: A Public Health-Inspired Legal Analysis of the Predicate Exception*, 83 TEMP. L. REV. 793 (2011) (discussing why, because of the public health implications involved, a public health perspective should be included in the discussion of whether firearms constitute a public nuisance, requiring an understanding of the SDOH)
- Lindsay Wiley, *Rethinking the New Public Health*, 69 WASH. & LEE L. REV. 207 (2012) (discussing public nuisance law, as well as efforts to address underlying root causes like the SDOH)