

STLT Public Health Law Capacity Building Workshop:

Public Health Law 101 and Public Health Emergency Law

A 2-Day Course for State, Tribal, Local, and Territorial Health Departments

Camden, NJ

July 9-10, 2018

Course Description:

Public health law has important implications for protecting the public's health. However, the need to protect the public's health must be balanced with the rights of affected individuals. Accordingly, it is more important than ever for public health officials to understand the power and limits of their authority. Having an understanding of the constitutional power and limits of this authority equips public health practitioners and partners with the tools necessary to ensure their policies are constitutionally permissible, and capable of withstanding legal challenge. Understanding the powers and limits of their authority is also central to intergovernmental collaboration. The legal concept of preemption, for example, has important implications for health care delivery and public health, but can be difficult to understand and challenging to navigate in practice. Legal research has also provided vital information on the rapidly changing legal landscape that can be correlated with data on health outcomes, system performance, and costs. State, tribal, local, and territorial health departments have expressed the need for capacity building in surveilling and monitoring their own laws and policies. With the growing recognition that legal data can be used to guide public health practice comes the need for accurate translation, or dissemination, of legal epidemiology as a tool. Day 1 of this training was developed to address these challenges. It is based, on direct input from public health practitioners who participated in a series of key informant interviews, previous trainings with public health practitioners, and an exhaustive literature review.

Planning, simulations, and post-emergency assessments have further demonstrated that successful public health emergency response hinges on the effective use of relevant legal authorities for legal preparedness. Public health practitioners must have a better understanding of the legal underpinnings of emergency preparedness and response systems, what actions are authorized, and how to minimize liabilities in large-scale public health emergencies. Day 2 of this course is a survey of selected legal issues that typically arise during emergencies.

Objectives:

The primary objective of this competency-based training is to enhance the ability of government employees to better understand and use law as a tool to advance public health, to identify potential legal issues so that necessary adjustments to planning, policies, or procedures can be developed prior to a public health emergency, and to ensure a more effective response.

By the end of this 2-day course, participants should be able to:

1. Define key public health legal terms and principles including federalism, police powers, preemption, and plenary powers
2. Provide one example of the practical impact of federalism on public health practice
3. Describe the major sources of authority for the practice of public health in the US
4. Define legal epidemiology and identify the basic steps of a legal epidemiology project
5. Define public health emergency legal preparedness and discuss the constitutional framework for US public health emergency preparedness and response
6. Identify key statutes, regulations, and legal principles implicated in the management of a public health emergency
7. Describe common legal issues and potential liability areas that can arise in emergency preparedness and response efforts and understand general procedures to avoid associated liability
8. Identify the scope of state, tribal, local, and territorial jurisdictional issues pertaining to protection and use of property
9. Identify the scope of state, tribal, local, and territorial jurisdictional and legal issues pertaining to the protection and management of persons, including special populations, volunteers, and health care personnel

Course Faculty:

1. *Montrece McNeill Ransom, JD, MPH*
Team Lead, Public Health Law Training and Workforce Development, PHLP, CDC
2. *Tara Ramanathan, JD, MPH*
Team Lead, Legal Research and Translation, PHLP, CDC
3. *Gregory Sunshine, JD*
Cherokee Nation Assurance, serving the Public Health Law Program (PHLP), CDC
4. *TBD*
State, Tribal, Local, or Territorial Health Department Counsel (if available)

Agenda:

The course comprises 8 units to be delivered over 2-days by Power Point instruction and will include an interactive exercises and case studies.

Day 1: Public Health Law 101 (July 9, 2018)

- 8:30 – 9:00 Registration, Distribution of Handouts and Pre-test, and Ice Breaker
- 9:00 – 10:00 Unit 1: PHL Past and Present and Structure of Government
- 10:00-10:30 Small Group Exercise
- 10:30-12:00 Unit 2: Sources of law and Unit 3: Preemption
- 12:00 – 1:00 Lunch
- 1:00 – 2:00 Unit 4: Introduction to Legal Epidemiology and Administrative Law
- 2:00-3:30 Unit 5: Legal Mapping: Introduction, Exercise, and Primer
- 3:30 – 4:15 Listening Session: Using Law to Advance Public Health in Your Jurisdiction
- 4:15 – 4:30 Post-test and adjournment

Day 2: Public Health Emergency Law (July 10, 2018)

- 8:30 – 9:00 Registration and Distribution of Handouts and Pre-test
- 9:00 – 12:00 Ice Breaker, PHL 101 HW Review, Unit 1: Systems Preparedness and Response, Unit 2: Management and Protections of Responders and the Public
- 12:00 – 1:00 Lunch
- 1:00 – 3:00 Unit 2: Management and Protections of Responders and the Public (cont.), Unit 3: Protection and Use of Property and Supplies
- 3:00 – 4:00 Case Study
- 4:00 – 4:30 Post-test and Q&A

Target Audience:

- State, Tribal, Local, or Territorial public health officials, practitioners, emergency planners and managers, first responders, and relevant health system partners.

Evaluation:

- Pre/Post Tests will be offered in an effort to evaluate the knowledge improvement of participants. Identical tests will be used for pre- and post-tests to compare scores before and after both the PHL 101 and PHEL courses.
- PHLP staff will also conduct a questionnaire evaluation which will be used to obtain subjective information about the quality and effectiveness of the PHEL course delivery.

Competencies addressed:

Centers for Disease Control and Prevention, Public Health Law Program. 2018. The Legal Epidemiology Competency Model Version 1.0. Edited by M. Ransom, T. Ramanathan, and B. Yassine. Atlanta. (FORTHCOMING-APRIL 2018)

<https://www.cdc.gov/php/publications/topic/resources/legalepimodel/index.html>.

Centers for Disease Control and Prevention, Public Health Law Program. 2016. Public Health Law Competency Model: Version 1.0. Edited by M. Ransom. Atlanta. <https://www.cdc.gov/php/docs/phlcm-v1.pdf>.

Centers for Disease Control and Prevention, Public Health Law Program. 2014. The Public Health Emergency Law Competency Model Version 1.0. Atlanta. Edited by M. Ransom. Atlanta.

<https://www.cdc.gov/php/docs/compentency-modelv1.pdf>.