PHAB Domain 6: Public Health Law Webinar Series

Webinar 1: Introduction to Public Health Laws for PHAB Accreditation

Association of State and Territorial Health Officials

April 23, 2018

Dial In: 1-800-289-0462
Passcode: 870308
Vision
State and territorial health agencies advancing health equity and optimal health for all.

Mission
To support, equip, and advocate for state and territorial health officials in their work of advancing the public’s health and well-being.
Acknowledgement of Funding

- ASTHO’s **PHAB Domain 6 Webinar Series** is supported by funds made available from the Centers for Disease Control and Prevention, Center for State, Tribal, Local and Territorial Support (*proposed*).
Webinar Logistics

• All lines are muted
• Questions via chat box
  • Indicate who the question is for, if applicable
  • Questions answered at the end of the webinar
• Sharing a conference room with others? Please type their information (name, organization, e-mail) into the chat box to “chairperson”
• Post-webinar evaluation
• Webinar slide deck and recording will be posted to www.astho.org within the next week
Agenda

• Presenter Introductions

• Presentations
  • Introduction to PHAB Domain 6: Public Health Laws
  • Introduction to Public Health Laws for State Health Agencies
  • Public Health Laws and Accreditation – Roles and Responsibilities

• Questions (via chat box)

Webinar 2/3: Updating Public Health Laws for PHAB Accreditation
  • May 9th, 2:00 – 3:00 pm
  • More information at: http://www.astho.org/events.aspx
Presenters

Robin Wilcox
Chief Program Officer,
Public Health Accreditation Board

Matthew Penn
Director, Public Health Law Program,
Centers for Disease Control and Prevention
Presenters Continued

Dr. Marc Babitz
Deputy Director
Utah Department of Health

Nikki Campbell
State Environmental Health Educator
Utah Department of Health
DOMAIN 6: ENFORCE PUBLIC HEALTH LAWS

Robin Wilcox
Chief Program Officer
April 23, 2018
Alexandria, VA

Advancing public health performance
phaboard.org
Public Health Accreditation Board (PHAB)

- Governmental public health departments
- Accreditation
  - The assessment of health department against a set of nationally recognized standards
    - Written documentation of conformity
    - Peer review
  - The issuance of recognition of achievement of accreditation
- 220 accredited health departments (2 LHD Not Accredited)
  - 31 SHD accredited; 9 in process
PHAB’s Goal

The goal of the voluntary national accreditation system is to improve and protect the health of the public by advancing and ultimately transforming the quality and performance of state, local, Tribal and territorial public health departments.
Standards and Measures

1. Conduct and disseminate assessments focused on population health status and health issues facing the community
2. Investigate health problems and environmental public health hazards to protect the community
3. Inform and educate about public health issues and functions
4. Engage with the community to identify and address health problems
5. Develop public health policies and plans
6. Enforce public health laws
7. Promote strategies to improve access to healthcare
8. Maintain a competent public health workforce
9. Evaluate and continuously improve processes, programs, and interventions
10. Contribute to and apply the evidence base of public health
11. Maintain administrative and management capacity
12. Maintain capacity to engage the public health governing entity
Domain 6 – Important Points

• While Domain 6 is called “Enforce Laws,” enforcement is a small part of the standards and measures in Domain 6
  o Public health expertise
  o Communication and health education
  o Collaboration
• While the title of the Domain is “laws,” the health department’s documentation can relate to:
  State statues, regulations, rules, executive orders, case law, and codes.
Domain 6 – Important Points

• The standards and measures recognize that enforcement responsibilities are very limited for some HDs
  o *Someone* does enforcement
  o It is the responsibility of the health department to share information and follow up, as appropriate

• Use the “broader definition of health”
  o Not just “usual suspects” e.g., vaping, quarantine, immunization laws
  o Think health equity, discrimination and racism, housing, transportation, environmental health, voting rights and civic engagement, exclusionary zoning, educational systems, etc.
Domain 6 – Enforce Laws

• Standard 6.1: Review existing laws and work with governing entities and elected/appointed officials to update as needed

• Standard 6.2: Educate individuals and organizations on the meaning, purpose, and benefit of public health laws

• Standard 6.3: Conduct and monitor public health enforcement activities and coordinate notification of violations among appropriate agencies
Standard 6.1:

Review existing laws and work with governing entities and elected/appointed officials to update as needed
• **6.1.1 Review Laws**
  
  **Review laws**
  
  – Consider PH evidence and impact on health equity
  
  – Use a standard review methodology (Model law, checklist, exercises)
  
  – Collaborate with other levels of HD when law impacts them (local and Tribal)

• **Access to legal counsel**

**6.1.2 Communicate Needed Changes**

• Written recommendations provided to officials re concerning new/amendments
Educate individuals and organizations on the meaning, purpose, and benefit of public health laws
6.2.1 Know and apply laws
• HD staff trained in laws specific to their job
• Ensure consistent application of laws
  – Or work with others who apply laws

6.2.2 The public has access to information about the requirements
• About laws, permits, licenses

6.2.3 Regulated entities are provided information about laws and compliance
• Provide info/education to regulated entities about compliance
Conduct and Monitor public health enforcement activities and coordinate notification of violations among appropriate agencies
• **6.3.1 Procedures for enforcement actions**
  – Authority
  – Procedures or protocols

• **6.3.2 Regular inspections**
  – Schedules for inspections (protocol or algorithm)
  – Inspections (meet schedules, reports, follow-up, final disposition)

• **6.3.3 Followed procedures (routine & emergency)**
  – Actions taken in response to complaints
  – Communications regarding the complaint & compliance
• **6.3.4 Identify patterns or trends**
  – Annual report (complaints, enforcement, compliance)
  – Debriefings/evaluations for process improvements

• **6.3.5 Coordinated notification of violations to the public & coordinated sharing of info among agencies**
  – Protocol for interagency communication
  – Protocol for public notification of enforcement
  – Notification (implementation of protocol)
THANK YOU!
Public Health Law 101:  
An Introduction to Public Health Law a for State Public Health Agencies

Matthew Penn, JD, MLIS  
Director  
Public Health Law Program  
Center for State, Tribal, Local, and Territorial Support (proposed)  
Centers for Disease Control and Prevention
The contents of this presentation have not been formally disseminated by the Centers for Disease Control and Prevention and should not be construed to represent any agency determination or policy.

These materials are for instructional use only and are not intended as a substitute for professional legal or other advice.

Always seek the advice of an attorney or other qualified professional with any questions you may have regarding a legal matter.
Roadmap for today’s presentation

Who has the power to shape policy that impacts public health?

How is that power expressed?

Public Health Law in Action: MOUs and DUAs
Who has the power to shape policy that impacts public health?
Federalism
Police Power

Promotes the public health, safety, & the general well-being of the community

Enacts & enforces laws for general welfare

Regulates private rights in the public interest
What about tribal sovereignty?
The states have the primary responsibility for public health.
What are public health laws?

▪ Any laws or regulations that have important consequences for the health of defined populations

▪ Not limited to laws related to “the official health department”
State & local government can...
Investigate disease outbreaks
Ban smoking in multi-unit housing
Create zoning for farmer’s markets
Require kids to wear helmets
Changing the Context to Make Individuals’ Default Decisions Easier

Long-Lasting Protective Interventions

Clinical Interventions

Education

Socioeconomic Factors

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Socioeconomic Factors

Law as a factor that affects health
How is that power expressed?

Types of Laws
Regulations can take many forms, such as:

- Prescribing or proscribing conduct
- Enforcing laws passed by the legislature
Executive Order -- Revised List of Quarantinable Communicable Diseases

EXECUTIVE ORDER

REVISED LIST OF QUARANTINABLE COMMUNICABLE DISEASES

By the authority vested in me as President of the United States of America under the laws of the United States of America, in particular title 42, United States Code, it is hereby

Section 1. Amendment to Executive Order 13295. Pursuant to the recommendation of the Secretary of Health and Human Services, upon consultation with the Acting Surgeon General, as set forth in section 1 of Executive Order 13295 of April 30, 2001, as amended by Executive Order 13375 of April 1, 2005, section 1 of Executive Order 13295 shall be further amended by repealing subsection (c) with the following:

“(b) Severe acute respiratory syndromes, which are diseases that are associated with fever and signs and symptoms of pneumonia, other respiratory illness, are capable of being transmitted from person to person, and that either are causing, or have the potential to cause, a pandemic, or, upon infection, are highly likely to cause mortality or serious morbidity if not properly controlled. This subsection does not apply to influenza.”
• **Key components:**
  – Competency based trainings
  – Online, on-demand, interactive
  – Facilitator toolkits (facilitation guide, slides that can be customized to STLT specific laws and policies)
  – Leverages CDC-branded version of the Public Health Foundation’s TRAIN

www.publichealthlawacademy.org
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Memorandum of Understanding (MOU)
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Written agreements that outline relationship between parties

- Identify collaborators
- Describe purpose for collaborating
- Outline parties’ roles and responsibilities
- Planning document v. legal document
Benefits of using MOUs

- Strengthen coordination between non-traditional public health collaborators
- Enable partners to combine resources and reduce redundancies
- Enable partners to identify similarities and differences in resources, priorities, and expected outcomes
- Offers opportunity to create common language among parties

Offers opportunity to build relationships
Common attributes of MOUs

• Description of engaged parties
• Purpose, context, and background information
• Scope of services
  • Roles and responsibilities
  • DUAs include content, transfer, storage, permitted uses, and life span of data
• Terms and conditions
  • Mechanics of the agreement
  • Federal, state, or local law and policy
Data Use Agreements (DUA)

MOUs to:
- Obtain access to data
- Constrain use of data after disclosure
- Constrain additional disclosure
- Ensure rights and obligations are maintained
When to Consider a DUA

When you want to disclose data:
• You are concerned about the future use and disclosure of your data or
• You are required by law to enter a DUA to disclose the data

When you anticipate a future need to obtain data quickly:
• You are concerned that unnecessary negotiations might delay necessary response
e.g., public health disclosures for outbreak response

DUAs are not required for every disclosure
The “first tool of public health is epidemiology... The second tool might well be the law.”

Domain 6: Roles and Responsibilities | Utah’s Story

Dr. Marc Babitz, Deputy Director
Nikki Campbell, Health Educator
April 23, 2018
Keys to Success in Domain 6

1. Outstanding staff who understood accreditation is agency-wide
   • Not just the accreditation coordinator’s responsibility
   • It takes a village!

2. Alignment with UDOH Strategic Plan

3. Positive working relationships with LHDs

4. Relationship with governing entity
Utah Health Advisory Council

• When and how the HAC began
  – Reactivated June 2002

• Governor appointed
  – Nine people who have an interest or knowledge of public health, environmental health, health planning, health care financing, or healthcare delivery systems
  – The council includes health professionals, however the majority must be non-health professionals

• Meets quarterly with UDOH Executive Director and reports directly to governor
Work with Governor’s Office

• Several staff members had connections to the Governor’s Office of Management and Budget
  – Leveraging existing relationships could be your key to success in this domain
The Domain 6 Team

• Co-Leads
  – Legislative Liaison (invaluable)
  – Environmental Health Educator

• HD Leadership Team
  – Champion: Deputy Director
  – Cheerleader: Executive Director

• Accreditation Coordinator
  – Not all heroes wear capes

• Subject Matter Experts
SMEs: Thinking Outside the Box

• Key Players (Subject Matter Experts) helped us move beyond seatbelt/car seat, and TB examples
  – Environmental Epidemiology
  – Tobacco Prevention and Cessation Program
  – Early Hearing and Detection Intervention Program
Additional Support

- UDOH staff
- Stakeholders
- Tribal Liaison

- UDOH attorneys
- State legislature
- ASTHO Mock Site Visit!
MANY THANKS!

Please don’t hesitate to reach out for additional details or about any questions you may have

Dr. Marc Babitz: mbabitz@utah.gov

Nikki Campbell: ncampbell@utah.gov
Questions?
Please use the chat box to ask questions of the presenters. If the question is for a specific presenter, include who.

Webinar 2: Updating Public Health Laws for PHAB Accreditation
May 9, 2:00 pm (EDT)

Webinar 3: Enforcing and Providing Education on Public Health Laws for PHAB Accreditation
May 23, 2:00 pm (EDT)

For more information, or to register visit: www.astho.org/Events.aspx
Thank you, attendees, presenters, and partners!

ASTHO’s Performance Improvement Team

accreditation@astho.org

Please take a moment to complete the evaluation, a link will be emailed shortly.