The Network for Public Health Law

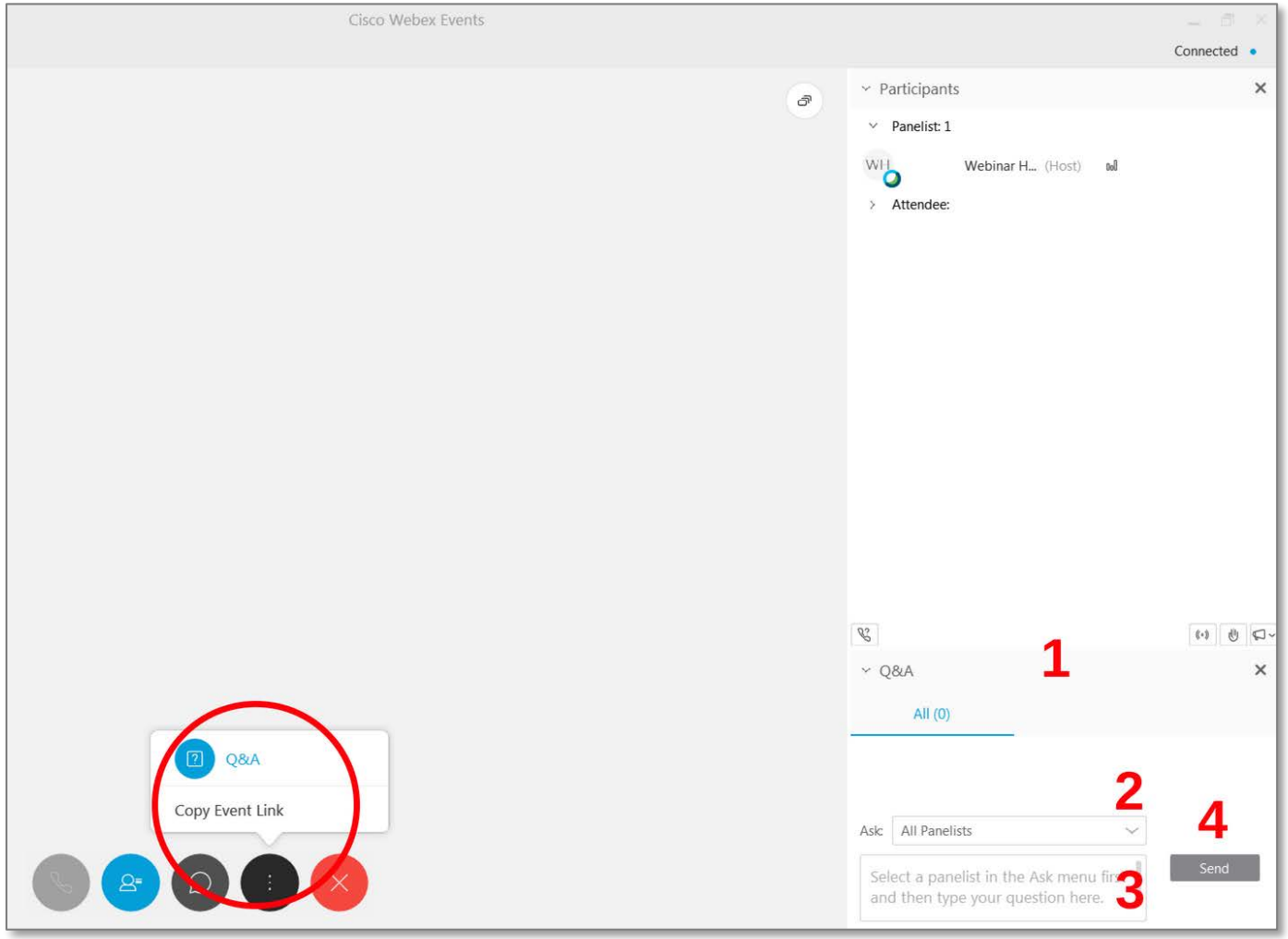
Law as a Tool to Advance Public Health

September 13, 2018

The Network for Public Health Law

How to Use WebEx Q & A

1. Open the Q&A panel
2. Select “All Panelists”
3. Type your question
4. Click “Send”



Moderator

Alexis Etow, Senior Staff Attorney, ChangeLab Solutions

- J.D., Washington College of Law at American University
- Research interests/areas of expertise:
  - Public health law and policy (generally), including due process, police powers, and preemption
  - Legal and policy strategies that advance safe and healthy learning environments that support students, their families, and the broader school community
  - Food marketing
  - Health equity

Presenter

Montrece McNeill Ransom, CDC Public Health Law Program

- J.D., University of Alabama School of Law
- M.P.H., Emory University's Rollins School of Public Health
- Research interests/areas of expertise:
  - Public health emergency law
  - Tribal public health law
  - Health justice
  - Environmental public health law

Presenter

Lindsay K. Cloud, Director, Policy Surveillance Program at the Center for Public Health Law Research, Temple University Beasley School of Law

- J.D., Widener University School of Law
- Research interests/areas of expertise:
  - Reproductive rights
  - Domestic violence
  - Early childhood education
  - Health equity

PUBLIC HEALTH LAW
ACADEMY

Law as a Tool to Advance Public Health: A Preview of the 2018 Public Health Law Conference

Introducing the Public Health Law Academy:

A Tool for Trainers

September 13, 2018

Montrece McNeill Ransom, JD, MPH

Team Lead, Training and Workforce Development

Public Health Law Program

Office for State, Tribal, Local, and Territorial Support

Centers for Disease Control and Prevention

CDC Disclaimer

These presentation materials are for instructional use only and are not intended as a substitute for professional legal or other advice. While every effort has been made to verify the accuracy of these materials, legal authorities and requirements may vary from jurisdiction to jurisdiction. Always seek the advice of an attorney or other qualified professional with any questions you may have regarding a legal matter.

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.

Public Health Law Cooperative Agreement

Goal: to provide needs-based, on demand, interactive, competency based educational resources and training to the public health workforce to build its capacity to use tools of law and policy to improve outcomes

Audience: Public health practitioners across the field

Suite of services designed to:

- Provide new resources to both public health agencies and their partners
- Increase working relationships between practitioners and their attorneys

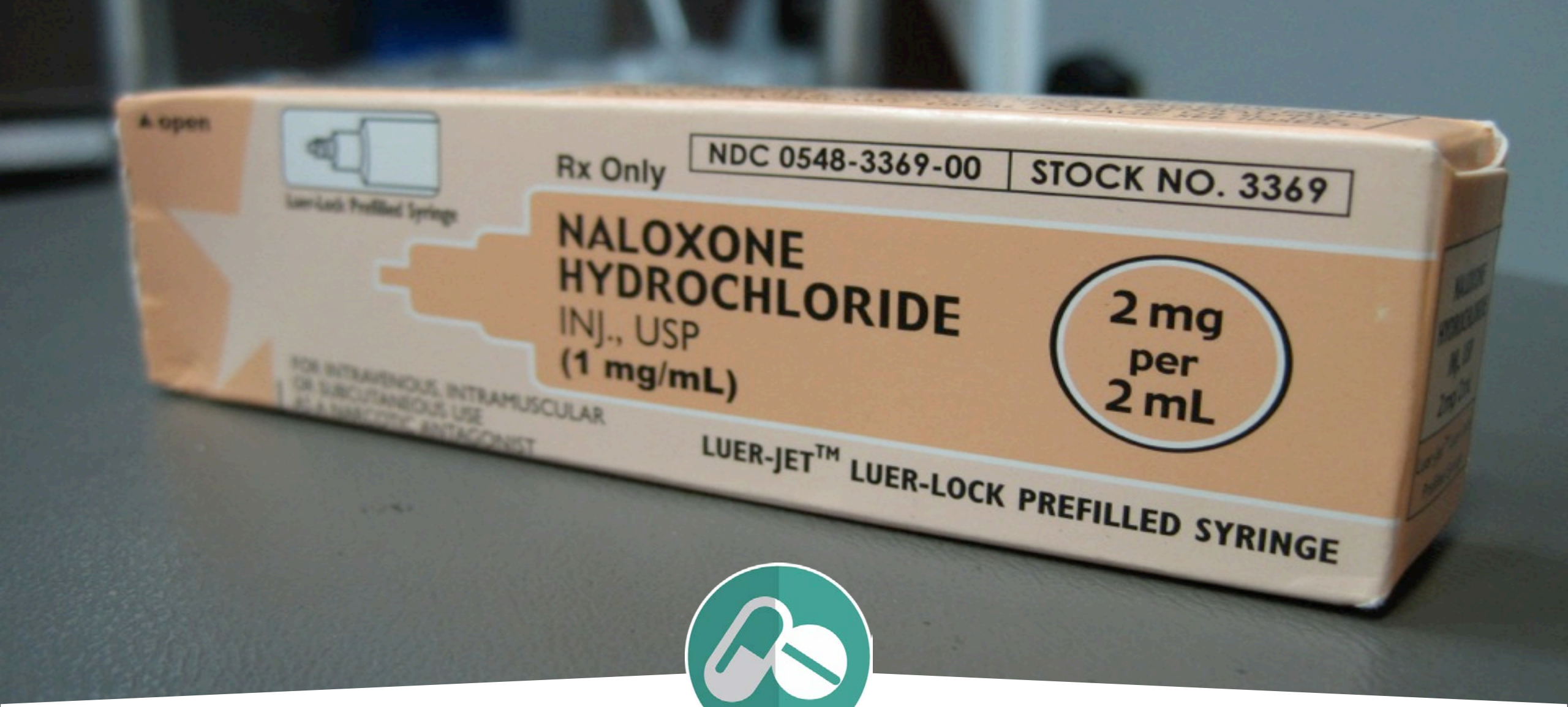
PHLP's Mission:

To advance the understanding and use of law as a public health tool

Healthy communities for all through better *laws & policies*

ChangeLab Solutions

Why do public health practitioners need training in public health law?



Prevent overdoses

Require mandatory vaccinations

Investigate disease outbreaks

Flickr Creative Commons/BCGovPhotos

Ban smoking in multi-unit housing

The 10 Essential Services

Developing policies and plans (#5),

Enforcing laws and regulations that protect health and ensure safety (#6),

Ensuring a competent workforce (#8), and

Evaluating the effectiveness, accessibility, and quality of personal and population based health services (#9).

Public Health Accreditation

Domain 6 focuses on understanding and enforcing public health laws

Standard 6.2 specifically requires that health departments seeking accreditation:

> "educate individuals and organizations on the meaning, purpose, and benefit of public health laws, and how to comply."

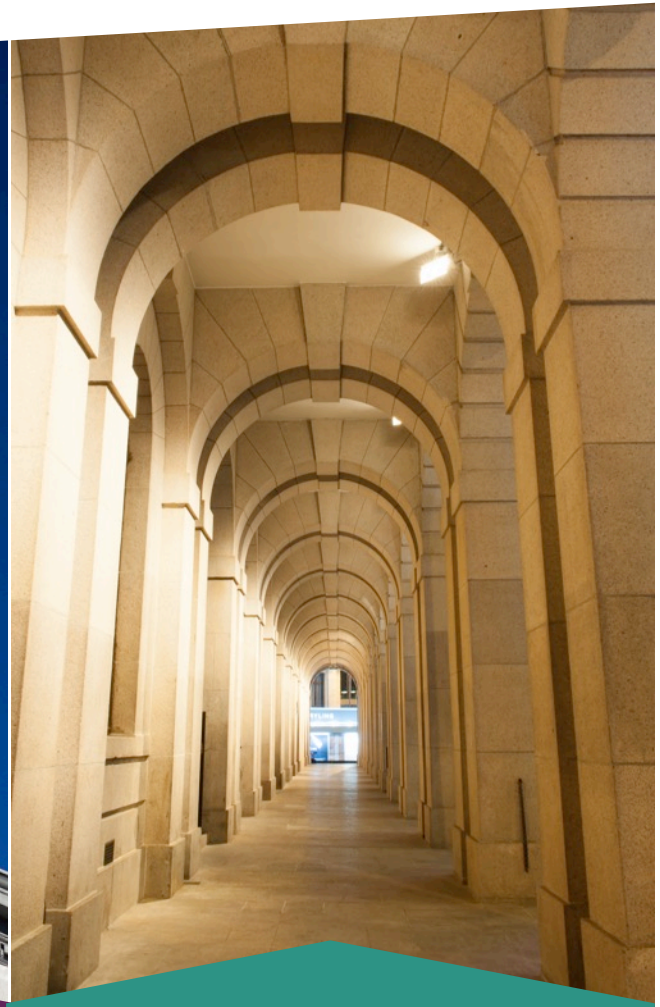
"In the realm of public health . . . *it's the law that really does the work*. That's been demonstrated time and time again in areas ranging from mandating vaccinations to requiring automobile seatbelts; improving workplace safety; the inspections of meat products; and fluoridation of water. Public health succeeds by making healthy choices the norm."

Former New York City Mayor Michael Bloomberg in an address at the Harvard School of Public Health, 2007

Public Health Practitioners

FEDERAL

STATE



LOCAL

- **Key components:**
  - Competency based trainings
  - Online, on-demand, interactive
  - Facilitator toolkits for trainers
  - Leverages CDC-branded version of the Public Health Foundation's TRAIN

Public Health Law Academy

www.publichealthlawacademy.org

Public Health Law Academy

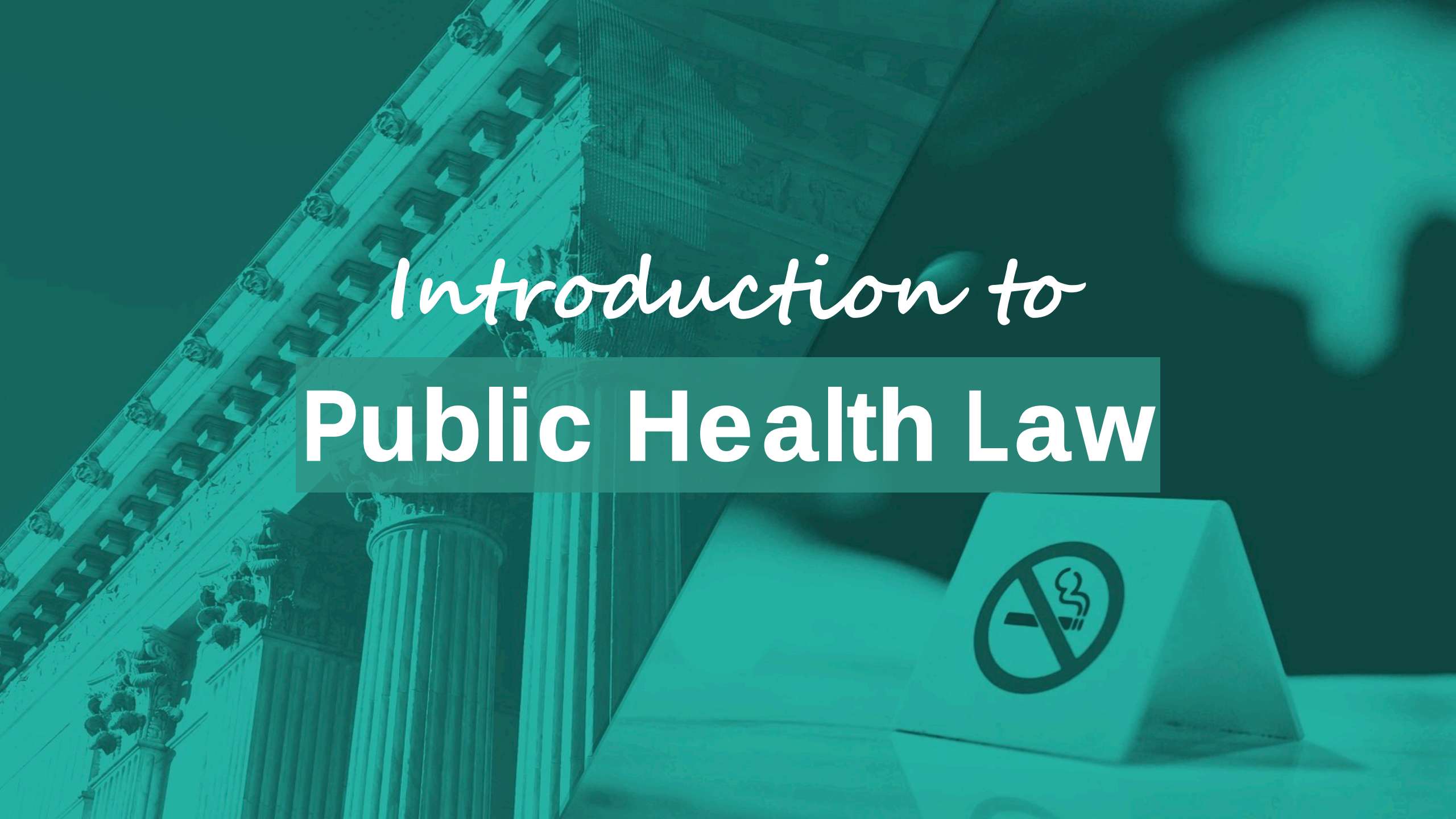
Training Series

Introduction to Public Health Law

Hot Topics in Public Health Law

Overview of Legal Epidemiology

And more coming soon!



Introduction to Public Health Law

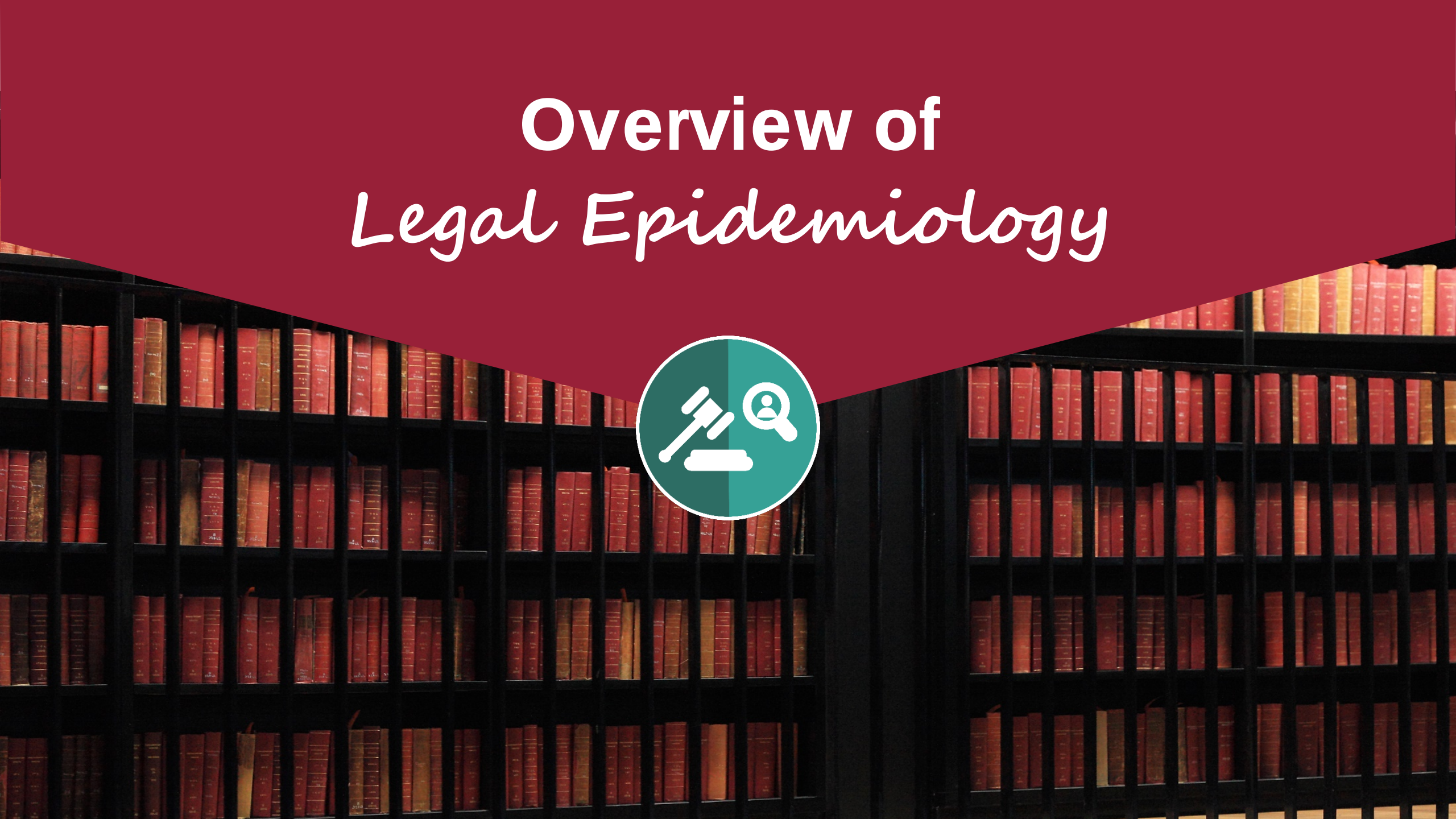
What courses do we offer?

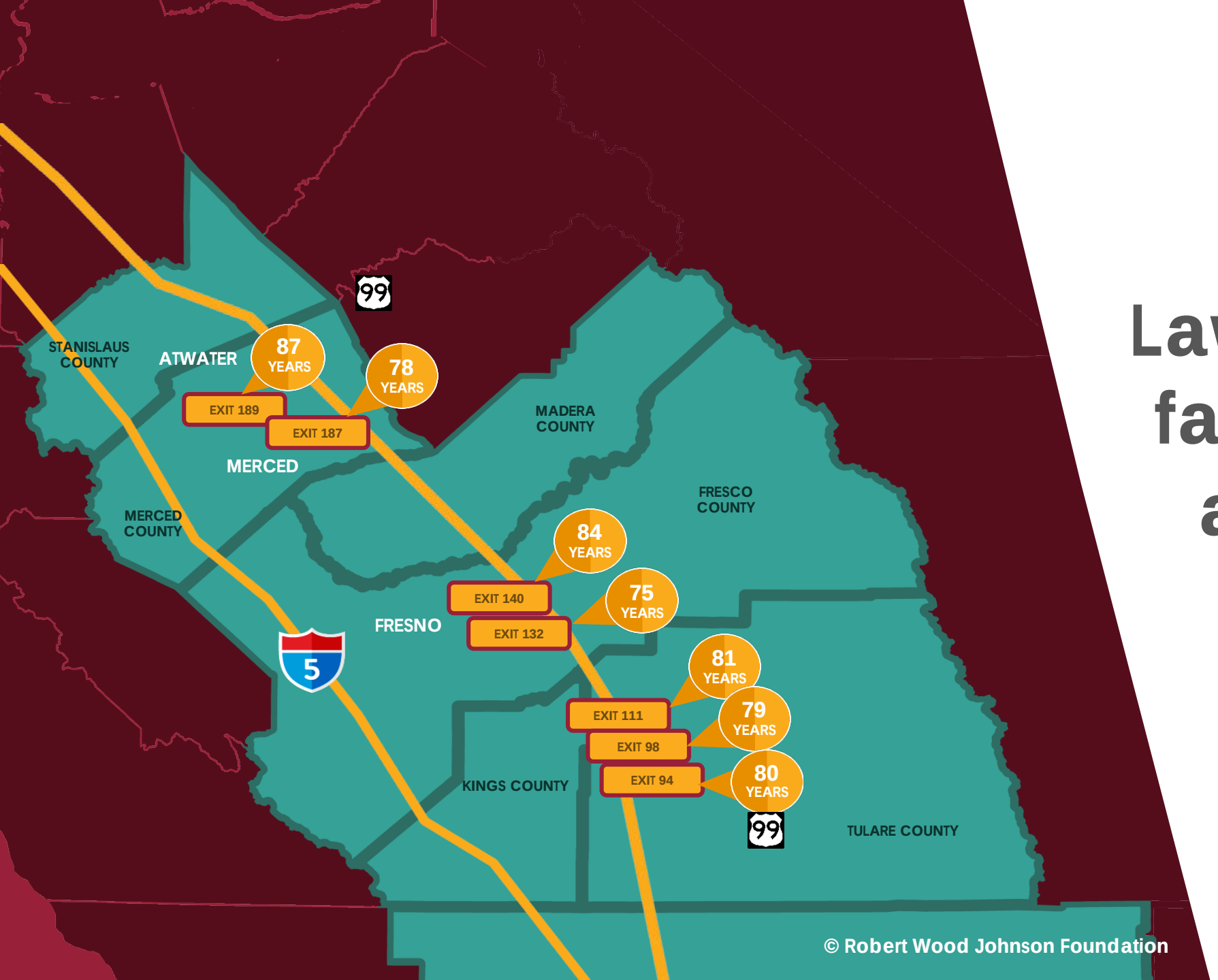
Public Health Law: Past & Present

Preemption & Public Health

Structure of Government

Overview of *Legal Epidemiology*





Law as a factor that affects health

What courses do we offer?

Introduction to Legal Epidemiology
November 2017

Legal Mapping
November 2017

Evaluation
Winter 2018

Hot Topics
in Public Health Law

What courses do we offer?

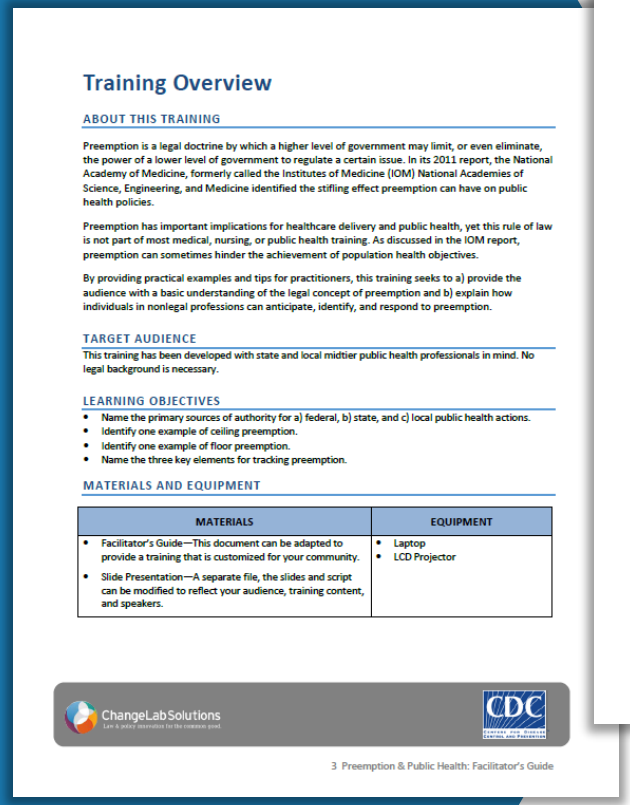
Public Health Threats & the US Constitution

Legal Approaches to Reducing Prescription Drug Overdose

Your Guide to Pharmacy Collaborative Practice Agreements

What is in an Academy Facilitator *Toolkit*?

- Access to the Academy Training
- Facilitator Checklist
- Facilitator Guides
- Customizable PowerPoint Slides



Training Overview

ABOUT THIS TRAINING

Preemption is a legal doctrine by which a higher level of government may limit, or even eliminate, the power of a lower level of government to regulate a certain issue. In its 2011 report, the National Academy of Medicine, formerly called the Institutes of Medicine (IOM) National Academies of Science, Engineering, and Medicine identified the stifling effect preemption can have on public health policies.

Preemption has important implications for healthcare delivery and public health, yet this rule of law is not part of most medical, nursing, or public health training. As discussed in the IOM report, preemption can sometimes hinder the achievement of population health objectives.

By providing practical examples and tips for practitioners, this training seeks to a) provide the audience with a basic understanding of the legal concept of preemption and b) explain how individuals in nonlegal professions can anticipate, identify, and respond to preemption.

TARGET AUDIENCE

This training has been developed with state and local midtier public health professionals in mind. No legal background is necessary.

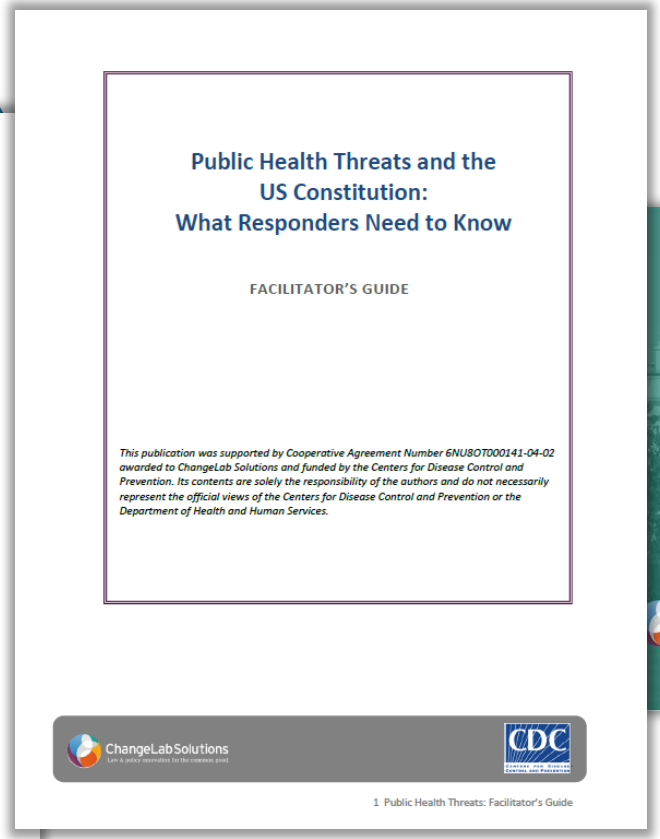
LEARNING OBJECTIVES

- Name the primary sources of authority for a) federal, b) state, and c) local public health actions.
- Identify one example of ceiling preemption.
- Identify one example of floor preemption.
- Name the three key elements for tracking preemption.

MATERIALS AND EQUIPMENT

MATERIALS	EQUIPMENT
• Facilitator's Guide—This document can be adapted to provide a training that is customized for your community. • Slide Presentation—A separate file, the slides and script can be modified to reflect your audience, training content, and speakers.	• Laptop • LCD Projector

ChangeLabSolutions



Public Health Threats and the US Constitution: What Responders Need to Know

FACILITATOR'S GUIDE

This publication was supported by Cooperative Agreement Number 6NU8OT000141-04-02 awarded to ChangeLab Solutions and funded by the Centers for Disease Control and Prevention. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Centers for Disease Control and Prevention or the Department of Health and Human Services.

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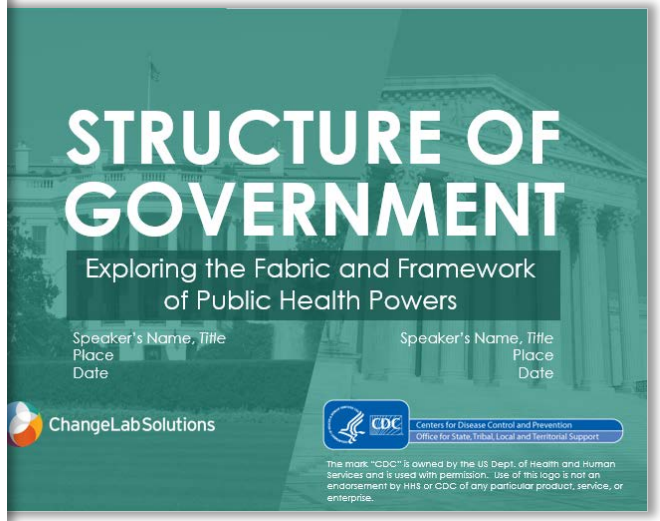

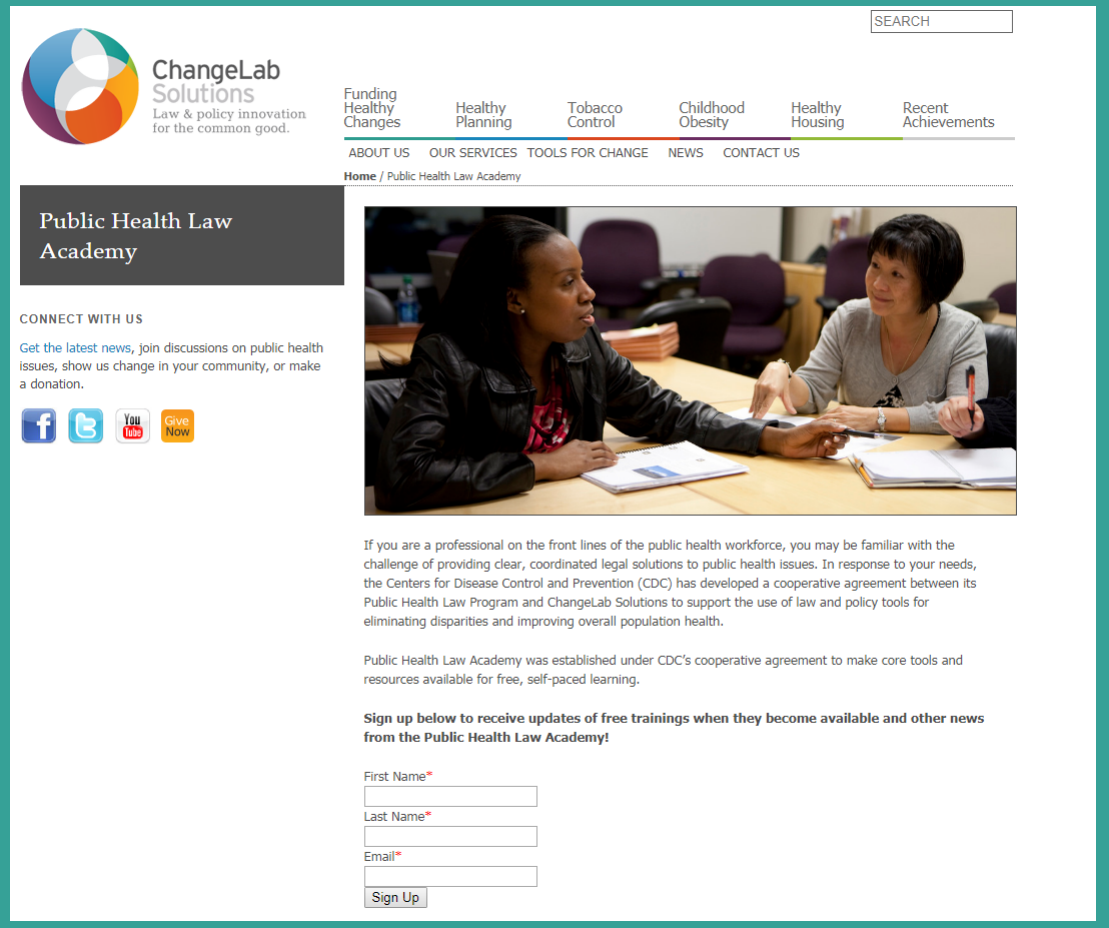

Public Health Law Academy

www.publichealthlawacademy.org

Introducing the Public Health Law Academy:

A Train the Trainer

Public Health Law Pre-Conference Session

October 3, 2018

2:30 PM - 4:30 PM

ChangeLab Solutions
Law & policy innovation for the common good.

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Workshop *Faculty*

Marice Ashe, JD, MPH
Founder and CEO
ChangeLab Solutions

Abigail Ferrell, JD, MPA
Team Lead, Partnerships and Communication
Public Health Law Program

Matthew Penn, JD, MLIS
Director
Public Health Law Program

Montrece McNeill Ransom, JD, MPH
Team Lead, Training and Workforce Development
Public Health Law Program

Workshop Objectives

In this workshop, participants will:

- *Explore the role of law* **as the foundation of public health practice**
- **Learn methods** *to teach legal principles,* **and**
- **Help fill a critical** *competency gap* **in the our public health workforce.**

Funding

Funding for this activity was made possible (in part) by the CDC. The views expressed in activity materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services or the Centers for Disease Control and Prevention, nor does the mention of trade names, commercial practices, or organizations imply endorsement by the US government.

Written materials for this activity were supported by the Cooperative Agreement Number 6NU8OT000141-04-02 from the CDC's Office for State, Tribal, Local and Territorial Support.

Questions?

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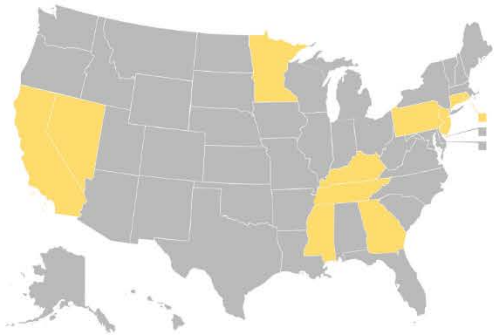
TEMPLE UNIVERSITY

Center for Public Health Law Research

A Crash Course in Legal Mapping Techniques and Tools

Preview of the 2018 Public Health Law Conference Workshop



Lindsay Cloud, JD

Director, Policy Surveillance Program

The Basics

WHAT?	WHEN?	WHO?
Hands-on training in policy surveillance	October 3, 3:00 PM – 5:00 PM	Scott Burris, JD and Lindsay Cloud, JD

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Workshop Goals

- Distinguish between the different types of legal mapping techniques
- Learn the steps of the policy surveillance process
- Understand ways policy surveillance may be used in research and practice
- Identify tools and resources you may use to create and access legal mapping data

THE FOLLOWING **PREVIEW** HAS BEEN APPROVED FOR

ALL AUDIENCES

Legal Mapping

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A process for assessing and capturing important features and variation in laws and policies across time and space.

LEGAL EPIDEMIOLOGY

The scientific study and deployment of law as a factor in the cause, distribution, and prevention of disease and injury in a population.

- Policy surveillance
- Legal assessments

PUBLIC HEALTH LAW PRACTICE

The application of professional legal skills in the development of health policy and the practice of public health.

- Legal scans
- Legal profiles

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Who uses legal mapping?

Policymakers
Researchers
Government agencies
Public
Practitioners

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Policy surveillance is the systematic collection, analysis, interpretation and dissemination of laws and policies across jurisdictions or institutions, and over time

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Policy Surveillance Process

Defining the scope

Scoping - identify the topic and parameters of your project.

Conducting Background Research

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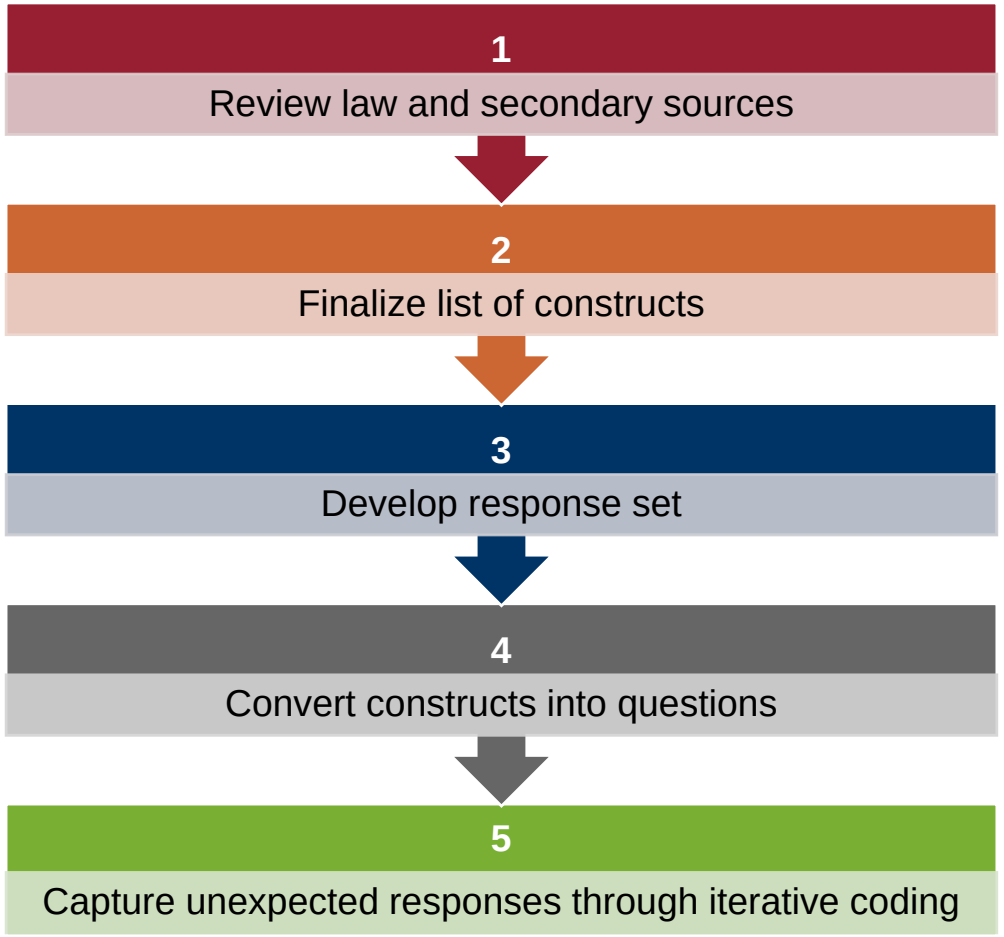
Investigate the legal landscape → Identify key elements of the law and variation → Define preliminary constructs

Refining the scope throughout

Developing Coding Questions



Collecting the Law and Creating the Legal Text

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Collecting the law - researchers gather important information about laws relevant to the topic being studied in each jurisdiction included in the project

The **legal text** is the organized version of the relevant law for each jurisdiction

Coding the Law

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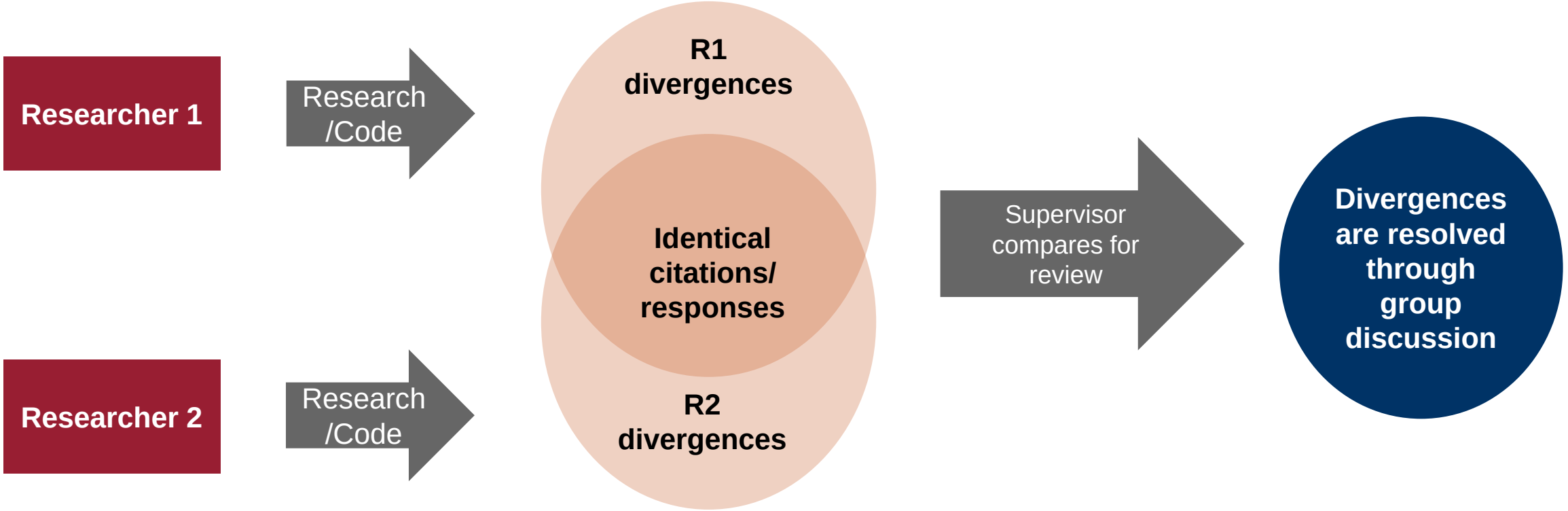
Use the legal text collected to answer the questions developed

	Definitions	Example
Observation	Things we measure (facts)	Does the jurisdiction have a texting while driving law?
Interpretation	Conclusions we derive from those observations (opinions)	Does the jurisdiction have a *strict* texting while driving law?

Quality Control



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Looking Ahead

Create accessible, non-partisan information

Create reliable data for evaluation

Track change over time & measure progress

Diffuse innovative policy ideas

Build workforce capacity

Youth Sports Traumatic Brain Injury Laws

According to the Centers for Disease Control and Prevention, each year as many as 300,000 young people suffer traumatic brain injuries (TBIs), or what is more commonly known as a concussion, from playing sports. TBIs can have serious short and long-term health effects, and all states have passed laws aimed at reducing harm from brain injuries occurring during youth sports activities.

This map identifies and displays key features of such laws across all 50 states and the District of Columbia, and over time.

Read more...

CREATED BY: Hosea Harvey, JD, PhD
MAINTAINED BY: Policy Surveillance Program Staff
VALID FROM: January 1, 2009
UPDATED THROUGH: July 1, 2017

Data | Codebook | Protocol

Summary Report

See all related maps

Share | Like 3 | Tweet

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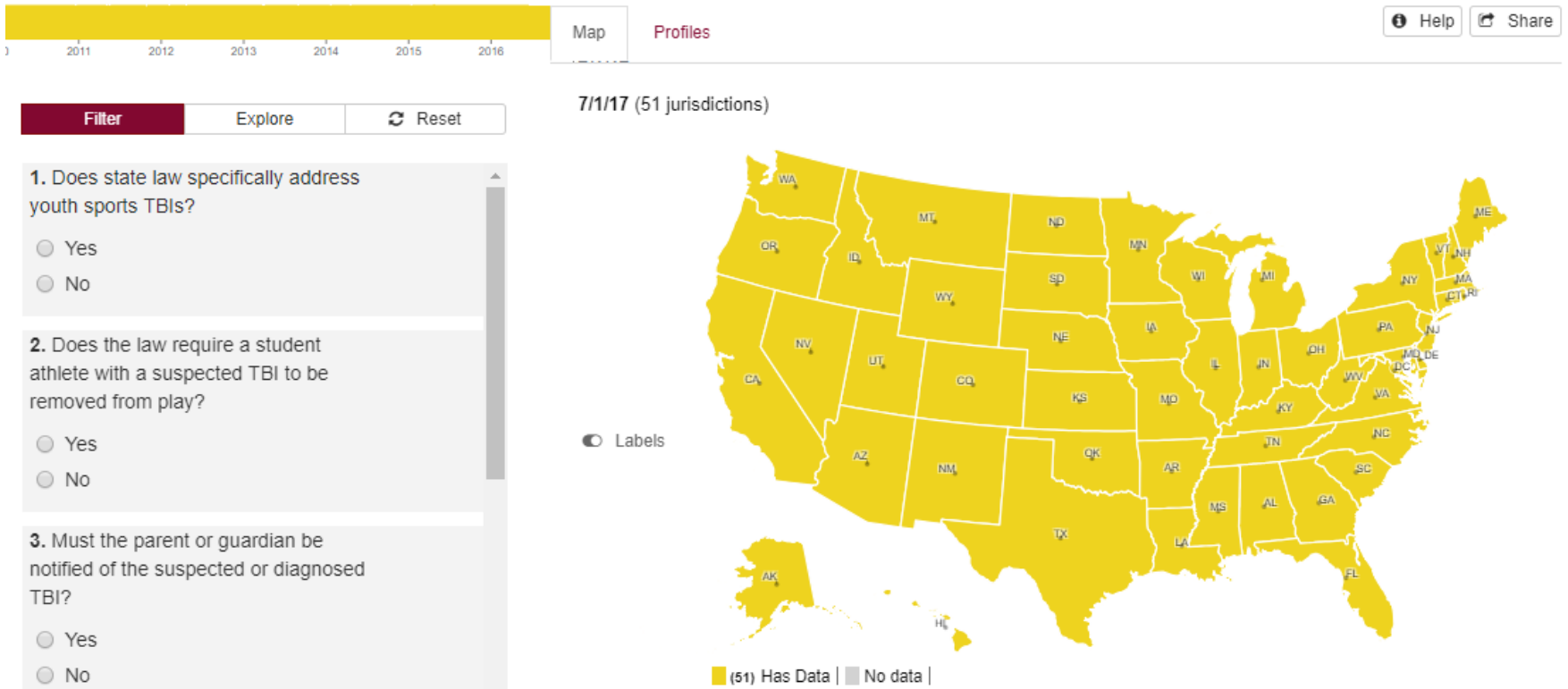

Youth TBI Laws Dataset 2009 – 2017

Does the state have a law regulating youth sports traumatic brain injuries?

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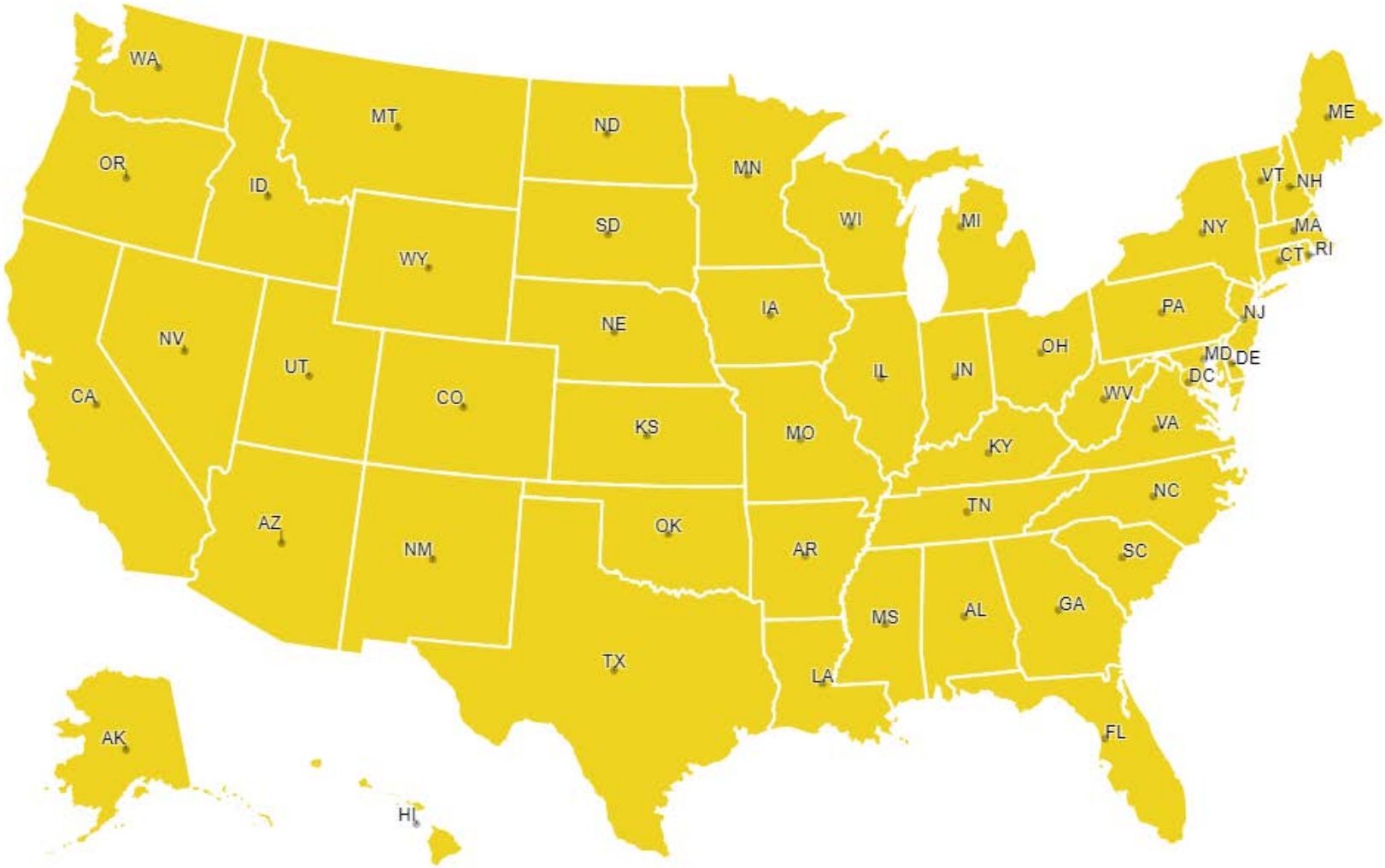
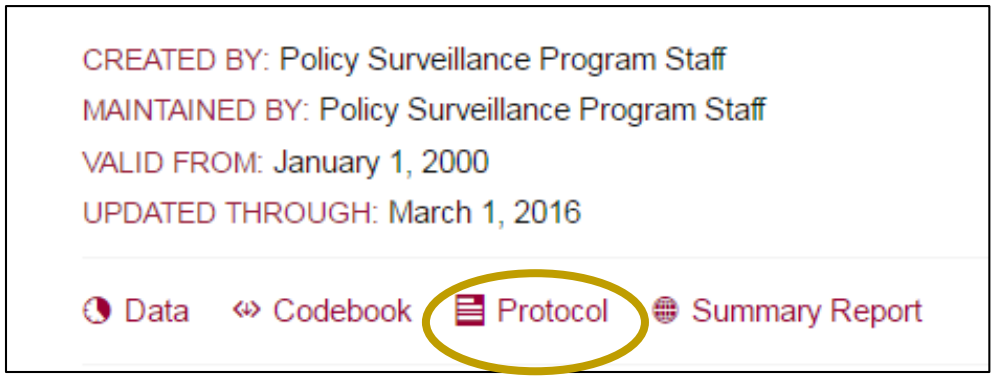


Research Protocol

The Research Protocol outlines the entire methodology and process of the project, including:

- The scope of the project, including dates of the project, team involved, jurisdictions, purpose of the project, and variables
- Data collection methods, including search strategy and databases used
- Coding methods, including coding scheme and definitions of terms of art
- Description of quality control measures



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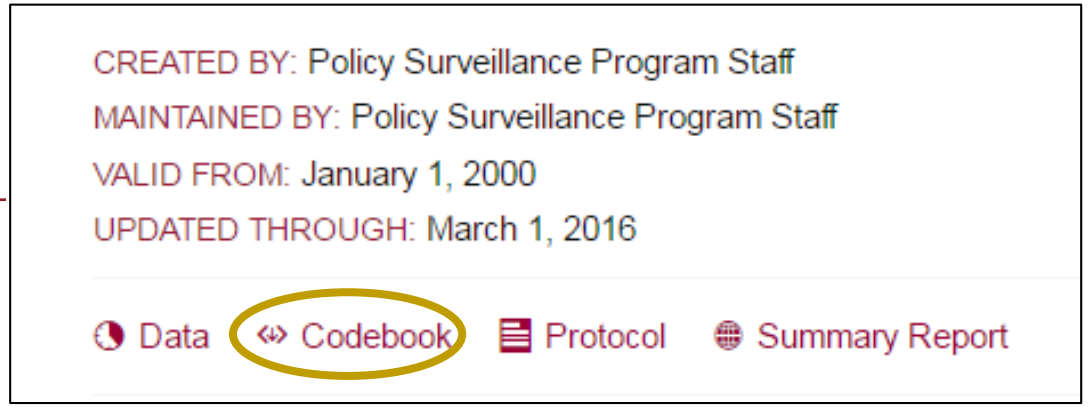
Codebook

Questions	
Question 1:	Is there a state law regulating involuntary outpatient commitment?
Question Type:	Binary - mutually exclusive
Variable Name:	OC_Law
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes
Question 2:	What are the criteria for involuntary outpatient commitment of an individual?
Question Type:	Categorical - check all that apply
Variable Name:	OC_Criteria_Danger to self due to mental illness
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes
Question 3:	What are the criteria for involuntary outpatient commitment of an individual?
Question Type:	Categorical - check all that apply
Variable Name:	OC_Criteria_Danger to others due to mental illness
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes
Question 4:	What are the criteria for involuntary outpatient commitment of an individual?
Question Type:	Categorical - check all that apply
Variable Name:	OC_Criteria_Mental illness
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes
Question 5:	What are the criteria for involuntary outpatient commitment of an individual?
Question Type:	Categorical - check all that apply
Variable Name:	OC_Criteria_Prevent future danger to self
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes

A **Codebook** is a document that defines the variables and values included in the project

Used in conjunction with the data page to perform analysis or to aid in understanding the research and coding



Data

CREATED BY: Policy Surveillance Program Staff
MAINTAINED BY: Policy Surveillance Program Staff
VALID FROM: January 1, 2000
UPDATED THROUGH: March 1, 2016

Data Codebook Protocol Summary Report

	A	B	C	D	E	F	G
1	State	FIPS Code	Begin Date	End Date	oc-law	oc-criteria_Danger to self due to mental illness	oc-criteria_Danger to others due to mental illness
2	AK	2	1/1/2000	9/17/2002	1	1	1
3	AK	2	9/18/2002	12/31/2004	1	1	1
4	AK	2	1/1/2005	7/1/2005	1	1	1
5	AK	2	7/1/2005	6/30/2008	1	1	1
6	AK	2	7/1/2008	8/31/2013	1	1	1
7	AK	2	9/1/2013	10/7/2014	1	1	1
8	AK	2	10/8/2014	3/1/2016	1	1	1
9	AL	1	1/1/2000	5/26/2004	1	0	0
10	AL	1	5/27/2004	4/24/2006	1	0	0
11	AL	1	4/25/2004	7/31/2009	1	0	0
12	AL	1	8/1/2009	7/31/2013	1	0	0
13	AL	1	8/1/2013	3/1/2016	1	0	0
14	AR	5	8/13/2001	6/30/2003	1	1	1
15	AR	5	7/1/2003	7/14/2003	1	1	1
16	AR	5	7/15/2003	7/15/2003	1	1	1
17	AR	5	7/16/2003	6/30/2007	1	1	1
18	AR	5	7/1/2007	7/30/2007	1	1	1
19	AR	5	7/31/2007	7/30/2009	1	1	1
20	AR	5	7/31/2009	7/26/2011	1	1	1
21	AR	5	7/27/2011	8/15/2013	1	1	1
22	AR	5	8/16/2013	3/1/2016	1	1	1
23	AR	5	1/1/2000	8/12/2001	1	1	1
24	AZ	4	1/1/2000	7/17/2000	1	1	1
25	AZ	4	7/18/2000	8/21/2002	1	1	1
26	AZ	4	8/22/2002	9/17/2003	1	1	1
27	AZ	4	9/18/2003	8/24/2004	1	1	1
28	AZ	4	8/25/2004	9/20/2006	1	1	1
29	AZ	4	9/21/2006	9/25/2008	1	1	1
30	AZ	4	9/26/2008	9/29/2009	1	1	1

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LawAtlas.org

LawAtlas.org is a central place for creating, sharing, and accessing authoritative health policy surveillance and related resources.

Learn policy surveillance methods

Access empirical legal data

Learn more about public health laws and policies through related resources

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Lindsay K. Cloud, JD

Lindsay.cloud@temple.edu | 215.204.9504

http://phlr.org

http://LawAtlas.org

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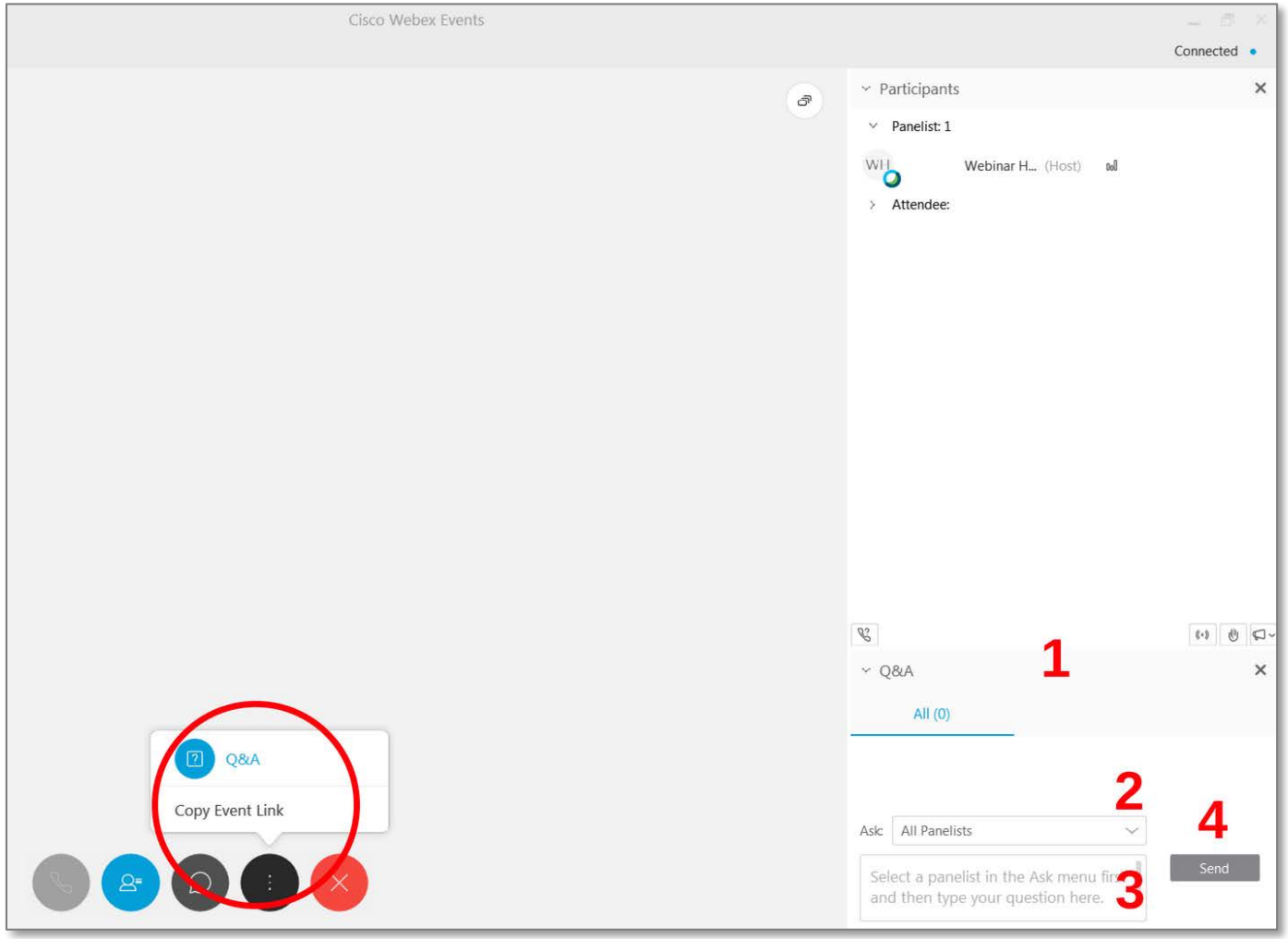

The Network for Public Health Law

Thank you for attending

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2018 Public Health Law Conference
Health Justice: Empowering Public Health and Advancing Health Equity
October 4 – 6 in Phoenix, AZ
PHLC2018.org