

The Public's Health and the Law in the 21st Century
5th Annual Partnership Conference

Concurrent Session

**The Public Health Law Year in Review: Implications of
Major Legal Developments Trends and Court Rulings**

Tuesday, June 13, 2006
8:30-10:00am

Presenters: Wendy Parmet, JD, George J. and Kathleen Waters Matthews Distinguished University Professor of Law, Northeastern University, Boston, MA

Rick D. Hogan, JD, MPH, General Counsel, Division of Health, Arkansas Department of Health and Human Services, Little Rock, AR

Moderator: Gene W. Matthews, JD, Director, Institute of Public Health Law, CDC Foundation, Atlanta, GA

Session Purpose:

This session—a new element in the annual conference program—is designed to summarize important public health legal issues confronting the globe in 2006. With public health taking the center of the world stage, this session will interconnect a tripartite approach to legal challenges that local, state, national, and global public health practitioners and policy makers face, identify important lessons learned from these developments, and, most important, make educated predictions about the challenges of the coming year.

In a lively interchange the presenters will address a range of *nuovo* legal issues such as lead litigation and methamphetamine clean-up. They will lock onto the *GPS "Gonna be a Pandemic Somewhere"* of public health as they master the adventure of the eye of Hurricane Katrina. Finally, like a pair of well-worn slippers, they will relax into the comfort of the tried and true public health legal issues that surround financial, budget, and chronic disease challenges. The panel, with more than 50 years combined public health legal experience, will close with a "Potpourri for Fifty" and go boldly forward with a fearless forecast as they unveil Dionne Warwick's crystal ball purchased on E-bay "it's authentic I swear" and disclose the public health weather forecast for the upcoming year.

Audience members are encouraged to participate in the exercise by raising their own facts and/or questions consistent with the program design.

Learning Objectives:

By the close of this session, conference participants will be able to:

- Identify public health legal issues surrounding pandemic influenza and the commensurate "Revenge of the Birds," from quarantine to isolation, devastation, and back again;
- Show me the money: Take home practical knowledge about changes in Medicare, health insurance and budgets. Outline what state and national leaders are doing to cope with financial and budgetary constraints in the health sector;
- Describe lessons learned from natural disasters in "The Eyes have it KATRINA AND RITA, next time I'll SUPERSIZE the EMAC." What can we do better in such settings, from licensure to litigation and, legislation?
- Describe legal issues and tools related to chronic disease problems from obesity to tobacco and at all points in between: It's "Cokes, Keggers and Camels" from litigation and legislation to regulation; the trends from the Feds to Fresno;
- Outline the new and improved precepts of federalism including *Gonzales v. Raich*; the "good Do-Be's." and the "bad Don't Be's." The continuing federalism saga, just when you thought it was safe to go back into federal court.

Convener:

Public Health Law Association. The Association gratefully acknowledges the invaluable assistance of Karen L. McKie, JD, MLS, CDC Public Health Law Program, and Editor, *"CDC Public Health Law News."*

Selected Resource Materials:

National Strategy for Pandemic Influenza: Implementation Plan: <http://pandemicflu.gov/>.

Minnesota Isolation, Quarantine and Mass Dispensing Law with 2005 Amendments:
Minnesota Statutes §§ 144.419-144.4197

COUNTY OF SANTA CLARA v. ATLANTIC RICHFIELD CO., 137 Cal.App.4th 292,40
Cal.Rptr.3d 313(2006)

WHITEHOUSE v. LEAD INDUSTRIES ASSOCIATION, INC.

Hurricane Katrina Task Force, Subcommittee Report, American Bar Association, February 2006

Federal Combat Methamphetamine Epidemic Act of 2005

U.S. v. Rapanos

U.S. v. Georgia

Gonzales v. Raich

Hodge JG, Gable LA, et al., Emergency system for advance registration of volunteer health professionals (ESAR-VHP): Legal and regulatory issues. Health Resources and

Services Administration (HRSA). Washington, DC: 2005;1-98 (September 2005).
Available at <http://www.publichealthlaw.net/AffProjects.htm>

Rees, Clifford M. Legal Framework for Public Health Emergency Preparedness.
PowerPoint presentation available at
<http://www.health.state.nm.us/ohem/legal%20framework%20for%20public%20health%20emergency%20preparedness%20-%20powerpoint.pdf>

Health Officer Practice Guide for Communicable Disease Control in California. Available
at: <http://www.dhs.ca.gov/ps/dcdc/pdf/Dec%2014%20Practice%20Guide.pdf>