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## Hypotheticals

### “Law at the Intersection of Civilian and Military Public Health Practice”

#### Hypothetical 1: Jurisdictional issues

The civilian paradigm—Public health legal powers are vested in the local health officer or state health officer. These public health officials work, when necessary, in concert with the courts, law enforcement, and other agencies with enforcement authority and powers to require actions to protect the public health. Who is the counterpart for such actions on a military base? What might be potential conflicts?

#### Scenario

A soldier lives on an Army post, but his girlfriend, who is a civilian living in the adjacent community, is a refugee who had a positive TB skin test when tested by local public health authorities. Local health officials refer her to a pulmonary clinic where she is found to have active TB. Public health officials interview the soldier-boyfriend because he is a contact of the source case, but he refuses to present for a TB skin test. The soldier's father, who is a division commander (two star general) on the same post, had a bad reaction to a TB skin test earlier in his military career and has encouraged his son to take a tough stand on this. The local health officer wants to go to circuit court to order the soldier to take a skin test and cooperate fully with the local county TB clinic. How does this get resolved? The local health officer has prepared a petition to the circuit court to order the soldier to take a TB skin test. Are the post's MPs subject to serve a court order from a local circuit court? Does the circuit court have jurisdiction over the soldier? What if the civilian public health officials wanted to quarantine the soldier?

## Hypothetical 2: Emergency preparedness-related issues

Emergency Preparedness is an area of growing discussion between local and state officials with their federal counterparts. Recently, it was suggested that if another Katrina were to occur, the federal government might insist that a military commander be put in charge. Does the federal government have the authority to be in command of a situation that is localized within the boundaries of a state (e.g. hurricane that devastates Miami)?

### Scenario

The Selfridge ANG base outside of Detroit plans to hold a major military air show for Armed Forces Day. A special demonstration will occur featuring US aircrews and Indonesian special forces soldiers. The Department of the Air Force and Michigan Governor have invited Indonesian media personnel to cover the event.

An Indonesian reporter arrives at Detroit Metro airport the day before the event. Jet-lagged and exhausted, he attends a major press conference the day of the event with approximately 25 other reporters. The Indonesian reporter is coughing, looks ill, is running a mild fever, but attributes this to his exhaustion. Later that evening, he collapses in the hotel lobby and is rushed to a major primary care and referral hospital in Detroit; doctors there do a throat culture that is positive for H5N1.

The State Health Officer wants to begin an investigation and send a team of epidemiologists to Selfridge to investigate this matter and quarantine large numbers of civilian and military personnel who work at the base. The Base Commander is resistant to this and seeks guidance from the Air Force Surgeon General's Office.

The health concern grows as reports trickle in to the Michigan Department of Community Health of 10 other reporters (attendees at the media event), from throughout Michigan and Northern Ohio, who have been hospitalized with influenza-like illness. The Michigan Governor declares a state of emergency and the State Emergency Operations Center is activated. Federal officials express dissatisfaction with Michigan's response to this problem and feel they are better prepared to deal decisively and comprehensively with this matter. The President calls the Governor and tells her he is sending in a combined CDC/military team to take charge of this growing epidemic; he further says he is putting the Deputy Commander of 1<sup>st</sup> Army in charge. The Governor resists and says that while federal assistance is welcome, the State will maintain the lead on the investigation. She wants federal personnel to fall-in under the operational command and control of the State EOC.

Who will be in charge in this situation?