

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

Concurrent Session

**Training and Tools for a Legally Prepared
Public Health Workforce**

Wednesday, June 14, 2006
8:45-10:15am

Moderator: James G. Hodge, Jr., JD, LLM, Associate Professor, Johns Hopkins Bloomberg School of Public Health; Executive Director, Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities, Baltimore, MD

Panel: Martin Fenstersheib, MD, MPH, Health Officer, Santa Clara County Public Health Department, San Jose, CA

Clifford M. Rees, JD, Adjunct Professor, University of New Mexico Health Sciences Center, School of Medicine, Center for Disaster Medicine, Albuquerque, NM

Session Purpose:

Ensuring a well-trained public health workforce is critical to public health emergency preparedness and response efforts. Public health workers and their private sector partners need to understand their roles and responsibilities during emergencies. They must also be prepared to act in accordance with these duties, many of which are defined by public health laws, policies, or ethics. This presupposes that (1) the public health and health care workforce has sufficient knowledge and competencies to adhere to legal standards; (2) public health emergency laws as applied in specific emergency settings are cohesive and predictable; and (3) the workforce will follow legal standards at every level of government even when they present obstacles or barriers to potential public health improvements. This session will explore these and other issues relating to public health workers, health care workers, volunteer health professionals, and their legal counsel in their preparedness and response efforts to public health emergency and disaster situations.

Prof. James G. Hodge, Jr. will first set the stage for the role of law during emergencies. Among many challenges facing the public health workforce and their private sector health care partners in preparing for and responding to emergencies is the volatile legal environment. During declared emergencies, the legal landscape immediately changes. Individuals may be bestowed with new legal protections and obligations. Various legal processes may be expedited. Longstanding principles of practice may be temporarily curtailed. Traditional roles and responsibilities may be redefined. Even constitutional norms may flex to allow specific actions to be taken to improve the public's health. Prof. Hodge will briefly discuss the need for enhanced communication and legal awareness during emergencies, and will offer initial legal lessons learned from efforts during

Hurricanes Katrina and Rita to mobilize volunteer health professionals to help meet surge capacity.

Clifford M. Rees has led significant training exercises and programs for public health workers and will discuss how state legislative and regulatory developments in New Mexico (and potentially other states) have helped prepare the public health emergency workforce.

Dr. Martin Fenstersheib will discuss the development and use of the Health Officer Practice Guide for Communicable Diseases in California. This legal and policy resource guide, developed by Dr. Fenstersheib and his many additional colleagues in California, exemplifies the type of tool that front-line public health practitioners need, in addition to legal powers and training, to be fully prepared for public health emergencies.

This session is intended to be interactive. Audience members are encouraged to participate in the exercise by raising their own facts and questions consistent with the program design. Additional issues apt for discussion during this session include: (1) legal counsel's responsibilities to prepare the public health workforce for response efforts in real-time; (2) immediate action items for the workforce following a declaration of emergency; (3) assessing legal responsibilities during altered states of care; and (4) assessing federal, state, and local boundaries concerning the public health and health care workforce.

Learning Objectives:

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

- Describe how changes in the legal landscape during declared states of emergency affect the public health and health care workforces;
- Assess the need for building legal competencies for public health emergency preparedness;
- Evaluate legal and ethical duties of the public health workforce in responding to public health emergencies;
- Identify legal lessons learned from historical and modern emergency scenarios concerning workforce legal preparedness; and
- Articulate methods for resolving legal barriers or obstacles to effective workforce interventions in real-time during emergencies.

Session Convener:

The Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities

Resource Materials:

Hodge, JG, Gable, LA, Calves, S. Volunteer health professionals and emergencies: Assessing and transforming the legal environment. Biosecurity and Bioterrorism 2005; 3:3: 216-223.

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>