Pennsylvania’s Implementation Social Distancing Law Project

High-Priority Tools for Public Health Legal Preparedness
Atlanta, Georgia

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Building on Prior Efforts

- Office of General Counsel
- Emergency Preparedness Committee
  - Ongoing pandemic influenza planning
  - Review of legal framework for responding to “disaster emergency” with public health consequences
  - Developed Matrix of agency roles in disaster response
  - Drafted Model disaster declarations
  - Developed Policy for use of volunteers during emergency response.
SDLP Planning

- Identify project leadership team
- Set goals
- Establish project timelines
- Develop legal consultation (TTX)
  - Scenario
  - Identify participant list
  - Length of TTX
SDLP Team

- Intent was to involve other state agencies and stakeholders in table top but not in development
- Hired contractor to write scenario and facilitate table top exercise (TTX)
Goals

- Develop a realistic tabletop exercise to:
  - test sufficiency of legal authority to implement social distancing measures in a declared or undeclared disaster emergency with public health consequences
  - assess agency/stakeholder understanding of authority
  - assess operational readiness
Legal Assessment

CATEGORIES OF INQUIRY:
- Restrictions on the movement of persons
- Curfew authority
- Inter-jurisdictional cooperation and coordination
- Closure of public places
- Mass prophylaxis readiness
Considerations for each category:

- Authority with and without declared emergency
- Establishing and ordering measures
- Enforcement and penalties
- Duration of measures
- Due process and liability issues
- Potential legal barriers, gaps, uncertainties
Table Top Exercise

PARTICIPANTS:

- Governor’s office
- State agencies: DOH, PEMA DPW, PDA, State Police, DOE, DMVA
- County/ Muni Health Departments
- Admin Office of PA Courts
- KEMA
- EMS Councils
- Hospital Organizations
- Sheriff’s Association
TTX Scenario

- Farm Show Complex
- Visitors and vendors from all over the country
- US and international visitors
- Many species of animals
- Influenza like illness in visitor
- Rapid human to human spread
- Novel influenza virus
Legal Consultation Meeting

Issues Raised:
- I and Q - human and animal
- Closure - events, places, businesses
- Due process
Legal Framework

- **Administrative Code**, Article 21 and ancillary, 71 P.S. §§531-551; 1401-1435
- **Disease Prevention and Control Law (DPCL)**, 35 P.S. §§521.1 et seq
- **DPCL Regulations**, 28 Pa. Code, Ch. 27
- **Counterterrorism Planning, Preparedness and Response Act (CPPRA)**, 35 §§2140.101-2140.303
- **Emergency Management Services Code (EMSC)**, 35 Pa.C.S. §§7101-7707
CONCLUSIONS

- PA has sufficient legal authority to implement social distancing measures in a declared or undeclared emergency
- Key players in a pandemic are largely familiar with relevant legal authority
- Resources are the most significant barriers in a real-world response
Challenges

- Conduct legal assessment and TTX while also directing response to H1N1 pandemic.
- Scheduling meeting with high level agency executives who had decision making authority and their legal counsel.
Benefits of SDLP for PA

- Opportunity to:
  - Assess understanding of legal authority and response roles
  - Raise questions/concerns
  - Refresh plans/contacts
- Very positive response from participants
How to maximize opportunity

- Include appropriate participants
- Carefully consider length of TTX
- Use skilled facilitator
- Stress importance of speaking openly, raising questions/concerns
Next Steps

- Currently working on revision to DOH regulations pertaining to communicable and non-communicable diseases – clarify existing authority
- Consider another TTX since PA has new administration
ACKNOWLEDGMENTS

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THANK YOU