



***The Role of Law in
Public Health Preparedness:
Opportunities and Challenges***

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Presenter Disclosures

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Outline

- **Study Motivation**
- **Research Questions**
- **Methods**
- **Analysis**
- **Results**
- **Summary**

Study Motivation: A Closer Look at the Role of Law in Public Health

Public health is created and defined by law



Legal preparedness is a key component of public health emergency preparedness



What the law says and how it is implemented can differ



A systematic examination is needed of:

How law shapes public health practice

How law is implemented in preparedness efforts

Research Questions

- **How do federal and state laws affect the public health system's ability to respond more effectively to public health preparedness needs?**
 - **Do federal and state mandates facilitate or impede public health preparedness efforts?**
 - **How are state/local public health systems responding to laws and funding streams?**
 - **What are the barriers, both internal and external, to implementation?**

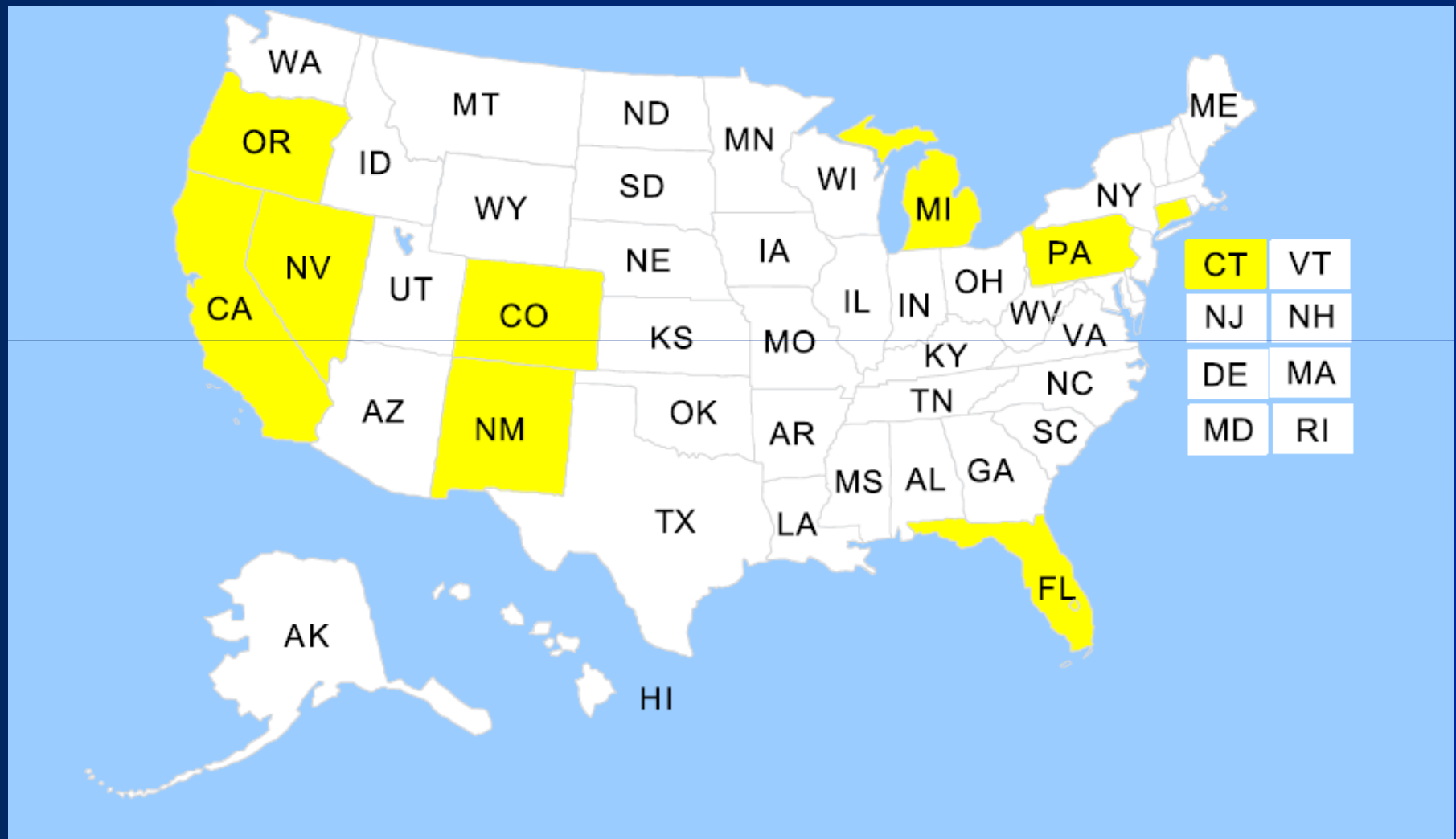
The Short Answer: Law Matters, Sometimes

- **How do federal and state laws affect the public health system's ability to respond more effectively to public health preparedness needs?**
 - ***In theory, laws should fundamentally shape public health preparedness practice***
 - ***“In theory, there is no difference between theory and practice. But, in practice, there is.”***

Methods: Understanding the Objective Law and Its Subjective Interpretation

- **Legal analysis of preparedness laws**
 - **Federal, state, and local level**
- **Semi-structured interviews**
 - **In-person, one-on-one**
 - **Held between April 2008 – July 2009**
- **Interviewee characteristics**
 - **Senior management and operations officials**
 - **Public health, emergency response agencies**
 - **144 interviews in 9 states**
 - **14 interviews at 4 federal agencies**

Nine Diverse States Were Studied at the Local and State Level



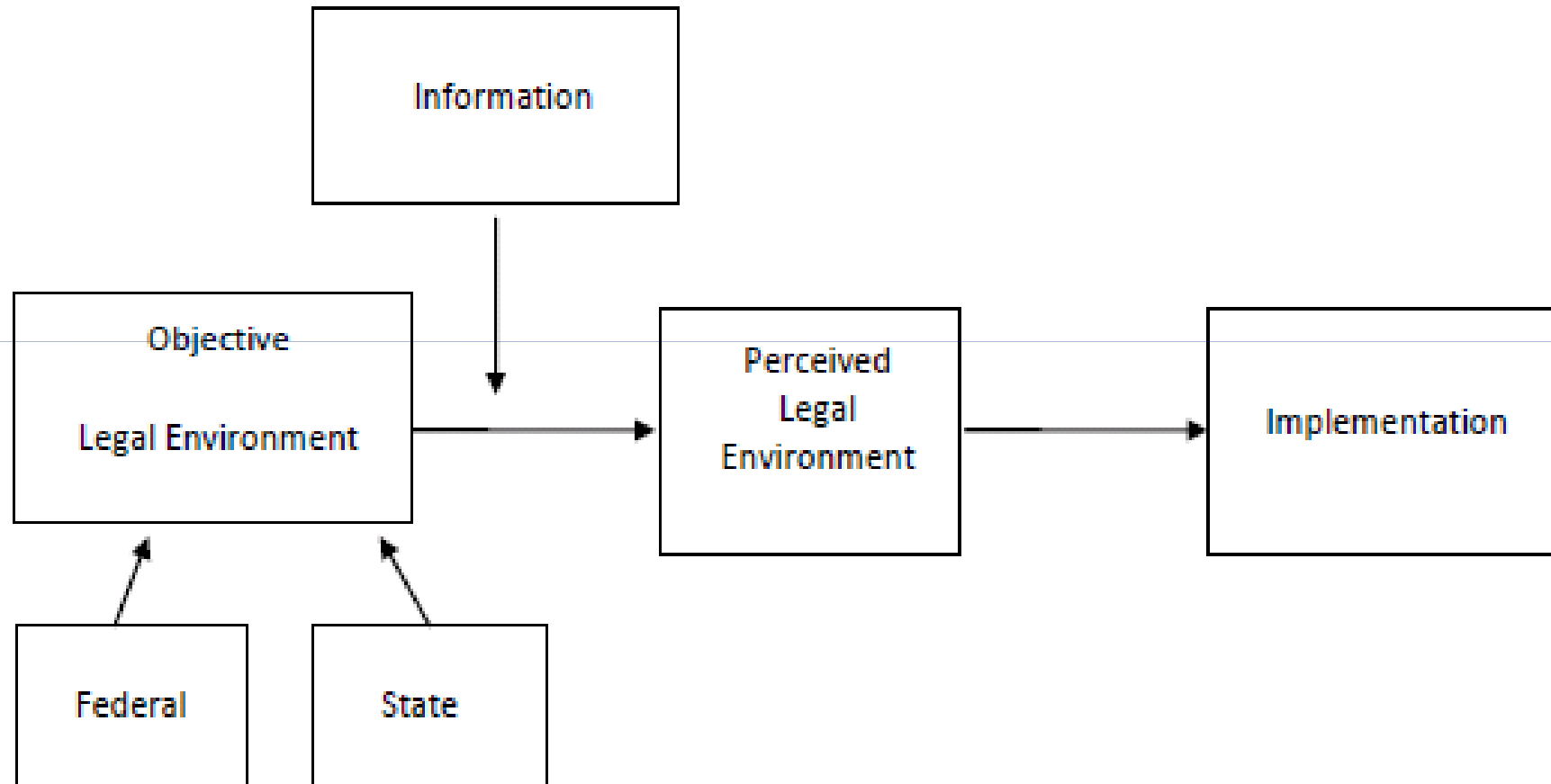
Analysis

- **Data coding**
 - Interviews transcribed
 - Standardized codebook developed
- **Qualitative thematic analysis**
 - ATLAS.ti
- **Quantitative validation**
 - STATA

Results

- **Objective vs. perceived legal environment**
- **Key legal issues**
- **Law meets implementation**
- **Non-legal factors: organizational, political, ethical, and financial**

Perceptions of the Legal Environment Fundamentally Drive Implementation



Note: Adapted from Mendez, Jacobson, Hassmiller, & Zellman (2003).

Perceived Law Differs from Objective Law

- Respondents often uncertain about what the law called for in many situations
- Both state and local officials' knowledge of laws was inconsistent
- Training on legal issues was absent, legal counsel were unresponsive to requests for clarification

→ Miscommunication between agencies, authority conflicts are likely to follow

Officials Are Unclear About How to Navigate Key Legal Issues

- **Legal authority and enforcement**
- **Liability protection**
- **Confidentiality**

***→ Confusion on what to do may hinder
emergency management efforts***

Without a Clear Picture of the Law, Implementation Suffers

- **Need for additional guidance**
 - **Flexibility of law leaves room for ambiguity**
- **Poor coordination and communication**
 - **Interpersonal, interagency relationships**
 - **Irrelevance of public health structure**

→ When implementation details are unclear, law becomes an afterthought

Many Non-Legal Factors Drive Public Health Practice

- **Organizational culture**
- **Local and state politics**
- **Funding availability**
- **Ethical dilemmas**

*→ Enhancing public health preparedness
requires attention to the broader practice
environment*

Summary: Opportunities and Challenges

Public health is created and defined by law

Legal preparedness is a key component of public health emergency preparedness

What the law says and how it is implemented can differ

Challenge: Lack of clarity on the legal framework leads to confusion, ineffective implementation

Opportunity: Updated guidelines, training exercises, legal clarification, and other resources can help

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