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Public Health Law News

November 2022



Public Health Law Program
Center for State, Tribal, Local, and Territorial Support
Centers for Disease Control and Prevention

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Announcements

Training Opportunity | 2023–2024 Legal Epidemiology Learning Cohort

Legal epidemiology is a scientific approach to tracking laws and policies of public health importance and studying their impact and effectiveness over time and across jurisdictions. Health departments and organizations are invited to participate in a 10-month, stipend-assisted legal epidemiology learning cohort to gain foundational research and evaluation skills in public health law. Supported by CDC's Public Health Law Program and ChangeLab Solutions, the

learning cohort is designed to enable any health department or organization to build their capacity to carry out legal epidemiology projects, even with minimal previous experience or skills. Teams should complete the online interest form by **December 1**. [Learn more and apply](#) .

Training Opportunity | Public Health Policy and Strategy Innovation Hub

CDC's Office of Policy Analytics & Population Health, in partnership with the National Network of Public Health Institutes, is offering a new training opportunity for early, mid, and senior career state, tribal, local, and territory public health practitioners. This pilot initiative will support a cohort of public health practitioners' participation in a series of trainings to prepare them for change, build capacity for strategic policy and decision making, learn adaptive leadership skills to inform decision-making approaches, and design solutions to address current and future public health issues. Applications for the Innovation Hub are due **November 30**. [Learn more and apply](#) .

Webinar | "I Want to Say 'Yes,' But..."—A Webinar for Lawyers Advising Data-Sharing Efforts

On **November 30** from **1:00–2:30 pm (EST)**, The Network for Public Health Law's Chris Alibrandi O'Connor and Stephen Murphy will provide virtual training for attorneys who support data-sharing plans. Participants will learn about flow map creation, approaches for working within the law, and strategies for effective collaboration with data-sharing project managers. [Learn more and register](#) .

Call for Manuscripts | Reimagining Public Health Preparedness with Lessons from COVID-19

Expanding on the themes of the 2022 NACCHO Preparedness Summit, the Johns Hopkins Center for Health Security is accepting manuscript submissions through **January 17, 2023**. As part of the Reimagining Preparedness supplement, authors are encouraged to address the COVID-19 pandemic's impact on public health preparedness policy and practice. [Learn more](#) .

Virtual Event | Cancer Legal Advocacy Virtual 5K Fun Run/Walk

The American Bar Association Health Law Section will host this virtual event **November 18–28** to raise donations and awareness for the legal ramifications that can be associated with a cancer diagnosis. Participants are encouraged to involve their families and friends to support the cause. [Learn more](#) .

Save the Date | AcademyHealth Datapalooza

This annual conference on health policy and data focuses on supporting partnerships between the public and private sectors. The event is scheduled for **February 23–24** in **Arlington, Virginia**. [Learn more](#) .

Job Opening | Senior Public Health Attorney (Southeastern Region), The Network for Public Health Law

The Network for Public Health Law is seeking a senior public health attorney to work with its Southeastern Region Office. The senior attorney will provide legal technical assistance, engage in outreach and relationship building, and contribute to the management of regional assignments. The position can be fully remote. [Learn more and apply](#) .

Job Opening | Law & Policy Analyst, University of Maryland Francis King Carey School of Law


The Center for Health and Homeland Security at the University of Maryland Francis King Carey School of Law is seeking applicants for the full-time, non-tenure track position of law & policy analyst or senior law & policy analyst to support the center's work with government agencies, health departments, and educational institutions on emergency preparedness and public health activities. Positions are to be hybrid within either **Montgomery/Prince George's County** or **Baltimore City**. [Learn more and apply here](#) for applicants with a JD degree and [here](#) for applicants with a master's or other (non-JD) advanced degree.

Job Opening | Professor, Bernard J. Beazley Chair in Health Law and Policy, The Loyola University Chicago School of Law



The Loyola University Chicago School of Law is seeking candidates with expertise in public health law to hold the Bernard J. Beazley Chair in Health Law and Policy professor position. They are interested in candidates who can foster interdisciplinary connections with the recently established Parkinson School of Health Sciences and Public Health, including the development of a joint JD/MPH program. [Learn more and apply](#) .

Tribal Announcements


Save the Date | National Indian Health Board 2023 National Tribal Public Health Summit

The National Indian Health Board will host the National Tribal Public Health Summit **May 1–5, 2023**, in **Anchorage, Alaska**. This annual summit is dedicated to elevating the impact of public health on tribes and has, historically, attracted more than 700 professionals, leaders, advocates, and researchers. [Learn more](#) .

Webinar Series | The Center for Medicare and Medicaid Services American Indian and Alaska Native Heritage Month Lecture Series


As part of The Center for Medicare and Medicaid Services American Indian and Alaska Native (AI/AN) Heritage Month celebratory lecture series, Roslyn Tso, director of the Indian Health Service, will present “Health Equity with Tribal Self Governance: In Partnership with the Indian Health Service” on **November 22**. On **November 29**, Chef Sean Sherman will lecture on “Indigenous Foods: Benefits in Health Outcomes for AI/AN People.” Events will be held via Zoom with registration not required. Both events will be held **2:00–3:00 pm (EST)**. [Learn more](#)  [\[PDF – 767 KB\]](#) .

National Writing Competition | American Indian Law Review


The *American Indian Law Review* is now welcoming papers from students at accredited law schools in the United States and Canada. Papers will be accepted on any legal issue specifically concerning American Indians or other indigenous peoples. **The competition deadline is February 28, 2023**. [Learn more](#) .

Legal Tools


Report | Association Between State-Issued COVID-19 Vaccine Mandates and Vaccine Administration Rates in 12 US States and the District of Columbia

JAMA released this report detailing findings that state-issued COVID-19 vaccine mandates have encouraged their populations to seek vaccination, even amongst individuals not specifically required to do so under the order. [Read the report](#) .

Podcast | Linda Long-Bellil Gives an Overview of Health Policy for People with Disabilities

Linda Long-Bellil, PhD, JD, assistant professor at UMass Chan Medical School, provides an overview of health policy and uses a biopsychosocial definition of disability to examine health disparities. [Listen to the recording or read the transcript](#) .

Report | “A tool for air pollution scenarios (TAPS v1.0) to enable global, long-term, and flexible study of climate and air quality policies”

Researchers at Massachusetts Institute of Technology’s Joint Program on the Science and Policy of Global Change and Institute for Data, Systems, and Society have developed a versatile tool that can model a wide range of climate and air-quality policy combinations and assess their collective effects on air quality and human health. Their final, publicly available, flexible scenario tool was published by the European Geosciences Union. [Read the report](#) .

Top Story

Tribal: [Safe drinking water resources are under way for tribes in the Coachella Valley](#)

KESQ News Channel 3 (10/17/2022) Miyoshi Price

Story Highlights

California Assembly Bill 2877, also known as the Safe and Affordable Drinking Water for Native American Tribes law, was signed in by Governor Newsom on September 23, 2022. The law will go into effect on January 1, 2023, and will improve the equitable distribution of funds for clean water infrastructure previously allocated in 2019 by the California Safe and Affordable Drinking Water Fund.

Assembly member Eduardo Garcia originally created the fund and this month celebrated the new law's passage, emphasizing the need to prioritize underserved tribal areas for state water infrastructure grants.

Previously, the Environmental Protection Agency (EPA) had found high levels of arsenic contaminants in the water supply of several tribal sites, prompting a drinking water crisis. These sites are now being prioritized for incoming infrastructure funding. However, EPA monitoring and regulation is limited to communities that meet a particular population threshold.

Thomas Torte, junior tribal council chairman of Torres Martinez Desert Cahuilla, criticized the exclusion of individuals residing on rural tribal lands that do not benefit from EPA regulations and protections. The importance of pursuing long-term solutions alongside current short-term interventions, such as point-of-use filters, was stressed by Cástulo Estrada, vice president of the Coachella Valley Water District Board.

[Editor's note: Read [California Assembly Bill 2877](#) . Learn more about [safe drinking water on tribal lands](#) .]

Briefly Noted




California: [San Francisco ending monkeypox state of emergency](#) 

KRON4 (10/20/2022) John Ferrannini

[Editor's note: Read the [press release](#)  . Learn more about [monkeypox](#) .]

Kentucky: [Kentucky launches new food safety reporting website aimed at increasing public health and protection](#) 

Northern Kentucky Tribune (10/19/2022)

[Editor's note: Read the [press release](#)  [PDF – 141 KB]  . View the [new food safety reporting site](#)  . Learn more about [foodborne outbreak investigation](#) and the [timeline for identifying and reporting foodborne outbreaks](#) .]

Louisiana: [Gov. Edwards issues a statement on more than 130,000 women receiving breast cancer screenings thanks to Medicaid expansion](#) 

Bossier Press-Tribune (10/10/2022)

[Editor's note: Details of the [executive order](#)  [PDF – 342 KB]  . Read the [press release](#)  . Learn more about [breast cancer screening](#) and [guidelines for screening](#)  [PDF – 237 KB] .]

Maryland: [Baltimore residents to see 25% discount on water bill starting this week, says mayor](#) 

WBFF Fox Baltimore (10/25/2022) Chris Berinato

[Editor's note: Read the [news release](#)  . Learn more about [bacteria and viruses in drinking water](#) .]

Pennsylvania: [State Senate passes bill decriminalizing fentanyl test strips](#) 

Pittsburgh Post-Gazette (10/28/2022) Hanna Webster

[Editor's note: Read the [bill](#)  . Learn more about [fentanyl](#) and [fentanyl test strips](#) .]


South Carolina: [SC Health Dept. will accept federal immunization records for military children](#) 

Live 5 WCSC (10/18/2022) Steven Ardary

[Editor's note: Read the [news release](#)  . Learn more about [vaccine recommendations for children](#) .]

Wisconsin: [Free fentanyl test strips are available in Wisconsin](#) 

Spectrum News 1 (10/16/2022) Aly Prouty

[Editor's note: Read the [press release](#)  . Learn more about [fentanyl](#) and [fentanyl test strips](#) .]

Tribal: [US reaches agreement with victims of doctor who abused Native American patients](#) 

PBS Frontline (10/12/2022) Christopher Weaver and Dan Frosch

[Editor's note: View resources from the [National Sexual Violence Resource Center](#)  .]

National: [CPSC unveils mandatory standard for dressers to prevent tip-over deaths, injuries](#) 

The Hill (10/20/2022) Brad Dress

[Editor's note: Read the [news release](#) . Learn more about [deaths related to furniture instability](#)  [\[PDF – 1.5 MB\]](#) .]

National: [USDA invests \\$110 million to improve health care for rural people](#) 


High Plains Journal (10/13/2022)

[Editor's note: Read the [press release](#) . Learn more about [rural health](#).]

Global Public Health Law News

Ireland: [New smoking ban to target public parks and beaches](#) 

Independent (10/21/2022) Eilish O'Regan

[Editor's note: Read the [Tobacco Free Ireland report](#) . Read more about [smokefree policies](#) and the [effects of secondhand smoke](#).]

New Zealand: [Three Canterbury councils first in NZ to apply for chlorine exemptions under new drinking water laws](#) 

Stuff Limited (10/27/2022) Tina Law

[Editor's note: Read about [New Zealand's new drinking water standards](#) . Learn more about [clean drinking water](#).]

Court Filings & Opinions

Minnesota

The Court of Appeals of Minnesota has ruled that the Minnesota Health Records Act (MHRA), which generally prohibits the disclosure of protected medical records, contains a carveout that includes disclosures authorized by federal law, such as the Health Insurance Portability and Accountability Act (HIPAA).

The Schneiders sued Children's Health Care (Children's), a hospital, alleging that Children's disclosed their child's health information to the Children's Health Care Foundation in violation of the MHRA. The trial court ruled against the Schneiders, who appealed. In upholding the trial court's ruling, the Court of Appeals reasoned that the MHRA permits disclosure of health information with "specific authorization in law," and a federal regulation implementing HIPAA specifically authorizes the disclosure of health information for fundraising purposes without the patient's consent. The Court of Appeals determined that the MHRA's phrase "specific authorization in law" encompassed federal law because the plain language of the statute was not specific to Minnesota law. Accordingly, the Court of Appeals of Minnesota ruled against the Schneiders.

[Schneider v. Children's Health Care \[PDF – 146 KB\]](#) 

Court of Appeals of Minnesota

No. A22-0275

Decided October 3, 2022

Opinion by Judge Tracy M. Smith

Minnesota

The Court of Appeals of Minnesota has ruled that a Minnesota school district did not violate state or federal law when students did not receive special-education services due to their parents' failure to cooperate with the school.

The court held that a school district's obligation under a Minnesota statute to ensure students "are provided" with special-education services only required the district to ensure that these services are offered, not that they are received. In addition to noting the statute's plain language (reading "are provided" instead of "are received"), the court gave the following three reasons to support its conclusion that the district violated neither state nor federal law: (1) another provision of Minnesota law permitted a judge to require a district to provide compensatory educational services to a child if the judge finds that special-education services have not been "offered or made available" to the child; (2) unlike the alternative, the court's interpretation acknowledged parents' "reciprocal obligation" to cooperate with procedures under federal law; and (3) a requirement to provide services even when refused by the parents would open a school district up to liability or corrective action for circumstances that are beyond its control. Thus, the Court of Appeals overruled the Minnesota Department of Education's conclusion that the school district had violated state and federal law.

[Special Education Complaint 22-027C on behalf of V.S.](#)  [PDF – 304 KB] 

Court of Appeals of Minnesota

No. A22-0250

Decided October 10, 2022

Opinion by Judge Theodora K. Gaitas

New York

An appellate court in New York has upheld the New York State Department of Health’s (the Department’s) 2020 maximum contaminant level (MCL) rule for the chemical 1,4-dioxane.

Long Island Pure Water, Ltd. (LIPW), a non-profit organization comprised of Long Island residents who are committed to securing pure drinking water for their communities, challenged the MCL rule by alleging that the Department had violated several provisions of the state’s Administrative Procedure Act. Essentially, LIPW claimed that the MCL rule forced its members to bear the high cost of installing specialized equipment to filter out the chemical in exchange for “minimal-to-nonexistent” health benefits. Additionally, LIPW argued that the MCL rule ignored other contaminants.

The trial court ruled that LIPW did not have standing to bring the case. On appeal, LIPW argued that its members had standing for two reasons: (1) they suffered economic injury from having to bear the high costs of compliance, and (2) they will be exposed to toxic byproducts associated with the filtration process and other compounds present in the water that the MCL rule does not address. The appellate court agreed with the trial court that LIPW did not have standing, reasoning that (1) economic interests were not within the “zone of interests” sought to be protected by the relevant statutes, and (2) LIPW failed to provide evidence for its claim that the filtration process would produce toxic byproducts and did not rebut the Department’s showing that conventional methods like carbon filtration would filter out any potential byproducts. Further, the court reasoned that LIPW members would continue to be exposed to compounds not addressed by the new filtration even in the absence of the MCL rule. Thus, the implementation of the MCL rule was not responsible for any injury resulting from exposure to other compounds.

[Long Island Pure Water, Ltd v. N.Y. State Department of Health](#) 

Supreme Court of New York, Appellate Division, Third Department

No. 533705

Decided October 20, 2022

Opinion by Justice Andrew G. Ceresia

COVID-19 Court Filings & Opinions

New York

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Memorandum: In this action arising from the death of plaintiff’s decedent from COVID-19 following treatment at certain nursing homes in March and April 2020, plaintiff appeals from an order that granted defendants’ pre-answer motion to dismiss the complaint on the ground that, pursuant to the Emergency or Disaster Treatment Protection Act (EDTPA) (Public Health Law former art 30-D, §§ 3080-3082), defendants were immune from liability for the causes of action as alleged in the complaint. We affirm.

[Ruth v. Elderwood of Amherst](#)  [PDF – 27 KB] 

Supreme Court of New York, Appellate Division, Fourth Department

No. CA 22-00069

Decided October 7, 2022

Memorandum Opinion (Justices present: Nancy E. Smith, J.P., Erin M. Peradotto, Patrick H. NeMoyer, Tracey A. Bannister, JJ.)

Texas

The COVID-19 pandemic has presented significant public health challenges across this state, nation, and beyond. Government officials at all levels have enacted mitigation measures to reduce the spread of the virus and lessen the

burden on their health care systems. This suit addresses whether a statewide official—Governor Greg Abbott—may issue an executive order that prohibits a political subdivision—Fort Bend County—from requiring face masks in certain settings.

[Abbott v. Cnty. of Fort Bend \[PDF – 311 KB\]](#) 

Court of Appeals of Texas, Houston (1st Dist.)


No. 01-21-00453-CV

Decided October 13, 2022

Opinion by Justice Sarah Beth Landau

Quote of the Month

“Louisiana has one of the highest mortality rates due to breast cancer, underscoring the need for all of us to stay focused on early detection,” said Dr. [Courtney N.] Phillips. “We are all busy, especially this time of year, and we know many women may have missed their routine health screenings during the pandemic. So, consider this your friendly reminder. Regular mammograms save lives. Make a plan today to get screened.”

[Editor’s note: This quote is from the above article [Gov. Edwards issues a statement on more than 130,000 women receiving breast cancer screenings thanks to Medicaid expansion](#) , Bossier Press-Tribune, (10/10/2022).]

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Last Reviewed: November 18, 2022