



# Public Health Professionals Gateway

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## Public Health Law News

June 2022




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


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### Announcements


#### Register for the 2022 Public Health Law Practitioners Convening!

Registration is open for the 2022 Public Health Law Practitioners Convening. The event will be held **August 17–19** in **Chicago** and is hosted by the National Association of County and City Health Officials and CDC's Public Health Law Program, within the Center for State, Tribal, Local, and Territorial Support. The theme is "Law, Policy, and Equity in Public Health Practice: Learn, Lead, and Leverage." Continuing Legal Education (CLE) will be offered for attendees. Early-bird registration closes on **July 1**. [Register today](#) .

#### Save the Date | American Public Health Association (APHA) Annual Meeting and Expo


APHA will host its Annual Meeting and Expo **November 6–9** in **Boston**. There will also be a virtual version held **November 14–16**. The theme is "150 Years of Creating the Healthiest Nation: Leading the Path Toward Equity." Registration opens **June 27**. [Learn more](#) .

#### Job Openings | Attorney and Senior Attorney, ChangeLab Solutions

ChangeLab Solutions is hiring an attorney and senior attorney. Candidates should be interested in using law and policy to promote health equity and have experience conducting legal research, drafting legislation, and supporting advocates and government officials interested in creating policy change. [Learn more and apply](#) .



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### Job Opening | Lead Public Health Attorney, Nebraska

The Nebraska Department of Health and Human Services is seeking candidates for a lead public health attorney. Candidates should have three years of experience as an attorney practicing law and providing legal services and knowledge of public health principles, laws, and policies. [Learn more and apply](#) .

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### Job Opening | Assistant Attorney General, New York City


The New York State Office of the Attorney General (OAG) is seeking experienced litigators to serve as assistant attorneys general in the New York City Litigation Bureau. OAG attorneys are assigned to one of three practice groups: Administrative and Regulatory Services, Health and Human Services, and Law Enforcement. The position closes on **July 1**. [Learn more and apply](#)  [PDF - 199 KB] .

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## Tribal Announcements

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### Creation of the Not Invisible Act Commission

The US Department of the Interior announced the creation of the Not Invisible Act Commission, in partnership with the US Department of Justice. The commission was created as part of the implementation of the Not Invisible Act of 2019, which aims to increase intergovernmental coordination to identify and address violent crime against American Indian and Alaskan Native people. The commission includes law enforcement, tribal leaders, federal partners, service providers, family members of missing and murdered individuals, and survivors. [Learn more](#) .



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### Session Recordings | National Tribal Public Health Summit

The National Indian Health Board (NIHB) hosted its annual National Tribal Public Health Summit in early May. Recordings of the pre-summit listening sessions, keynote speakers, and other conference sessions are available on NIHB's YouTube page. [Watch the recordings](#).

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### Job Opening | Policy Research Analyst, NIHB

NIHB seeks an experienced policy research analyst to advance its mission through policy research, data analysis, data translation, and communication. Candidates must understand healthcare delivery; the federal trust relationship with Indian tribes; and legal, policy, and political frameworks impacting Direct Service and Self-Governing Tribes. [Learn more and apply](#)  [PDF - 182 KB] .

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## Legal Tools & Training



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### Report | Changes in Firearm Homicide and Suicide Rates—United States, 2019–2020

CDC recently published a *Morbidity and Mortality Weekly Report* titled “Changes in Firearm Homicide and Suicide Rates—United States, 2019–2020.” The report discusses new firearm data, implications for public health practice, and policy considerations. [Read the report](#).


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### Report | Racism as a Public Health Crisis—Perspectives on Healthy Aging

The Network for Public Health Law recently released “Racism as a Public Health Crisis—Perspectives on Healthy Aging,” a report that examines the role of law as a tool to address structural racism, focusing on aging. [Read the report](#)  [PDF - 1.4 MB] .

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### Webinar Recording | Understanding the Intersection Between Climate Change, Housing, and Public Health

The Network for Public Health Law recently hosted a webinar titled “Understanding the Intersection Between Climate Change, Housing, and Public Health.” The webinar discusses climate change as a public health threat, the disproportionate effects of climate-caused extreme weather events, and how to identify law and policy approaches to housing affordability and availability. [Watch the recording](#) .

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## Webinar Recording | Why Wealth Matters to Your Health

County Health Rankings & Roadmaps released a webinar recording titled “Why Wealth Matters to Your Health.” Presenters discuss the racial wealth divide, how it began, why it persists, and why traditional pathways to wealth have not closed the gap. [Watch the recording](#) .

## Top Story

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**Colorado:** [She expected to pay \\$1,337 for surgery. She was billed \\$303,709](#) .

Washington Post (05/19/2022) Timothy Bella

### Story Highlights

Colorado’s Supreme Court recently ruled in favor of Lisa French, a Colorado resident, saying that she is not liable to pay the rest of her large, unexpected hospital bill because she did not agree to the hospital’s pricing plan.

Lisa French, a Colorado resident, was quoted \$1,337 for two procedures in 2014 and was surprised by the \$303,709 bill she received from St. Anthony North Health Campus, operated by Centura Health. French unknowingly had signed to pay all charges related to the hospital’s secretive “chargemaster.” A chargemaster is a master list of a hospital’s sticker prices for all billable items and procedures.

In recent years, state and federal laws have been passed forcing hospitals to make their chargemaster prices public. Federal hospital price transparency rules took effect on January 1, 2021.

State Supreme Court Justice Richard Gabriel noted that “hospital chargemasters have become increasingly arbitrary and, over time, have lost any direct connection to hospitals’ actual costs, reflecting, instead, inflated rates set to produce a targeted amount of profit for the hospitals after factoring in discounts negotiated with private and governmental insurers.”

Michael T. McConnell, a lawyer for Centura Health, argued that hospitals should not be responsible for understanding “the patient’s insurance better than the patient does.”

However, Gabriel wrote in his opinion that “[French] assuredly could not assent to terms about which she had no knowledge and which were never disclosed to her.”

French is relieved by the outcome.

[Editor’s note: Read the [French v. Centura Health opinion](#)  [PDF – 362 KB] [and learn more about hospital price transparency requirements](#) . See also *Colorado* in Court Filings & Opinions section below.]

## Briefly Noted

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**Alabama:** [Alabama schools examine sex education, survey questions about LGBTQ identity after new law](#)

Rebecca Griesbach (05/04/2022) Alabama.com

[Editor’s note: Learn about [LGBTQ health](#) and [read Alabama HB322](#) .]

**Colorado:** [Colorado’s fentanyl accountability and prevention bill signed into law](#)

KRDO (05/26/2022) KRDO News

[Editor’s note: Read [HB22-1326 Fentanyl Accountability and Prevention](#)  and learn more about [fentanyl](#) and [overdoses](#).

**Indiana:** [Indiana lawmakers override transgender sports veto](#)

NBC News (05/25/2022) Associated Press

[Editor’s note: Read [HB1041](#)  and learn more about [LGBTQ health](#).]

**Maryland:** [Hogan signs cybersecurity, public health, transportation bills into law](#)

Maryland Matters (05/12/2022) Hannah Gaskill

[Editor’s note: Read the [Statewide Targeted Opioid Prevention \(STOP\) Act of 2022](#)  and the [Public Health – Opioid](#)

Restitution Fund Advisory Council [↗](#) laws.

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**Michigan:** [Grand Rapids passes \\$598M budget with dollars for police, mental health worker co-response](#) [↗](#)

Michigan Live (05/26/2022) Michael Kransz

[Editor's note: Learn more about [mental health](#).]

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**Minnesota:** [Minnesota House passes mental health bill with minutes to spare](#) [↗](#)

Longview News-Journal (05/30/2022)

[Editor's note: Read [HF2725](#) [↗](#) and learn more about [mental health](#).]

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**Montana:** [Montana health department says surgery cannot change a person's sex: 'sex is immutable'](#) [↗](#)

Yahoo News (05/25/2022) Brooke Migdon

[Editor's note: Read the [Emergency Rule](#) [↗](#) [\[PDF - 5.5 MB\]](#) [↗](#) and learn more about [LGBTQ health](#).]

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**New York:** [It's going to be a hot summer. It will be hotter if you're not rich.](#) [↗](#)

The New York Times (05/28/2022) Anne Barnard, Corey Kilgannon, Jazmine Hughes, and Emma Goldberg

[Editor's note: Learn more about [climate and health](#) and [health equity law](#).]

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**Tribal:** [The Blackfeet Nation's struggles underscore the fentanyl crisis on Native American reservations](#) [↗](#)

Montana Public radio (05/24/2022) Aaron Bolton

[Editor's note: Learn more about [opioid addiction](#).]

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**National:** [Federal appeals court rules that delta-8 THC is legal](#) [↗](#)

Forbes (05/23/2022) A.J. Herrington

[Editor's note: Learn more about [Delta-8 THC](#) [↗](#) .]

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## Global Public Health Law News

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**India:** [Thousands of cigarette, bidi butts collected to expose rampant public smoking in Karnataka](#) [↗](#)

Daiji World (05/31/2022)

[Editor's note: Learn more about [smoking and tobacco use](#).]

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**United Kingdom:** [Government austerity 'the leading cause' of stalled progress on UK life expectancy](#) [↗](#)

The Independent (05/31/2022) Craig Paton

[Editor's note: Learn more about the [social determinants of health](#).]

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## Court Filings & Opinions

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### Ohio

The Court of Appeals of Ohio upheld a county ruling that ordered Cleveland businesses and owners to pay the maximum statutory penalty of \$10,000 per day of violation plus \$9 million in restitution to the Ohio Environmental Protection Agency (Ohio EPA) after violating construction and demolition debris laws that resulted in a fire that lasted days.

From June 2015 to July 2016, the Ohio EPA and Cuyahoga County Board of Health made more than 24 unannounced inspections of a local construction and demolition debris site and discovered immense piles of debris more than 30-feet high, towering over homes. In addition, inspectors rarely saw necessary material being sorted for recycling despite prior warnings. Thus, in June 2017, a complaint was filed against Beynon, ARCO, and 1705 Noble Road Properties, LLC, for allegedly operating and maintaining an unlicensed construction and demolition debris facility, illegally disposed of construction and demolition debris, and creating a public nuisance. The State of Ohio sought for ARCO and 1705 Noble Road Properties, LLC, to pay \$2,744,000 and \$2,306,000 in civil penalties, respectively. Initially, parties entered into a partial consent order while the trial continued requiring defendants: "comply with R.C. Chapter 3714 and the rules

thereunder, relinquish their rights in all construction and demolition debris located at the site, allow the Ohio EPA and the Cuyahoga County Board of Health full access to the site for the purpose of debris removal, and repay the State for all funds expended for clean-up of the site.”

During the clean-up in 2017, a large fire erupted on site spreading 30 feet and needing the assistance of over a dozen local fire departments. At trial, the court found that the aforementioned parties caused an extreme risk of harm, both severe and imminent, to the public and to the environment. The trial court ruled the imposition of the maximum statutory penalty was necessary due to defying Ohio law consistently, ignoring good-faith efforts, ultimately depositing more than 200,000 cubic yards of waste in an East Cleveland neighborhood. Upon appeal, the court upheld the trial court's ruling of penalties was not an abuse of discretion because the state showed they incurred “substantial extraordinary costs” to clean up, removal debris, combat the fire, and continue litigation. Additionally, the defendant's failed to provide evidence they could not pay the penalties.

[State of ex rel. DeWine v. ARCO Recycling, Inc.](#)  [PDF – 267 KB] 

Court of Appeals of Ohio, Eighth Appellate District, County of Cuyahoga

No. 110703

Decided May 26, 2022

Opinion by J. Cornelius & J. O'Sullivan, Jr.

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## Colorado

The Colorado State Supreme Court ruled Lisa French is not liable for remaining hospital bills from Centura Health Corporation (Centura) because none of the hospital service agreements (HSA) included information about billing for chargemasters making her unaware and unable to agree to the terms.

In 2014, French was in a serious car accident causing a spinal injury that surgeons suggested needed surgery or she was at risk of becoming paralyzed. French went to a Centura hospital for a spinal fusion surgery. Upon reviewing her insurance information, Centura advised her that she would be personally responsible for \$1,336.90 of the amounts billed. After the surgery, Centura determined that it had misread French's insurance card and that she was, in fact, an out-of-network patient.

Centura then billed French \$229,112.13 and ultimately sued her to collect. Centura sued for breach of contract, claiming that under the HSAs that she had signed, she had agreed to pay Centura's chargemaster rates and, therefore, owed Centura the full balance of \$229,112.13. French requested that Centura produce the chargemaster that applied on the dates of service for the medical care provided. Centura, however, objected to producing its chargemaster, stating that the chargemaster was “voluminous, proprietary, and a trade secret.”

Because French had no knowledge of and did not clearly and knowingly assent to the terms of Centura's chargemaster, the court concluded, under long-settled principles of contract law, that the chargemaster was not incorporated by reference into the HSAs that French signed. As a result, the price term of the HSAs was left open, and the trial court properly tasked the jury with determining the reasonable value of the goods and services that Centura provided to French.

[French v. Centura Health Corp.](#)  [PDF – 362 KB] 

The Supreme Court of the State of Colorado

No. 20SC565

Decided May 16, 2022

Opinion by J. Gabriel

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## COVID-19 Court Filings & Opinions

### Wisconsin

Aurora Health Care, Inc., appeals from a circuit court order granting an injunction compelling Aurora to administer a treatment No. 2021AP1787-FT 2 related to the COVID-19 pandemic. The request for the injunction came from patient John Zingsheim's healthcare representative, Allen Gahl. Aurora contends that there is no legal authority for the court's order compelling a private healthcare provider to administer a treatment that the provider, in its professional judgment, has determined to be below the standard of care.

[Allen Gahl v. Aurora Health Care Inc.](#)  [PDF – 512 KB] 

Wisconsin Court of Appeals District II

No. 2021AP1787-FT

Decided May 25, 2022

Opinion by J. Kornblum

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### Maine

The Plaintiffs are eight Maine healthcare workers and one individual healthcare provider who challenged an August 2021 change to Maine law that requires employees of designated Maine healthcare facilities to be vaccinated against the COVID-19 coronavirus. The complaint (ECF No. 1) also names Plaintiffs Jack Does 1 through 1000 and Joan Does 1 through 1000 as putative plaintiffs who have not yet been joined in the action. Two media companies—MTM Acquisition, Inc., d/b/a Portland Press Herald/Maine Sunday Telegram, Kennebec Journal, and Morning Sentinel, and SJ Acquisition, Inc., d/b/a Sun Journal (collectively, the “Media Intervenors”)—were granted leave to intervene for the limited purpose of challenging the Plaintiffs’ use of pseudonyms in this matter (ECF No. 95). The Media Intervenors now seek an order unsealing the Plaintiffs’ identities (ECF No. 105), arguing that the Plaintiffs should not continue to be permitted to proceed pseudonymously because the Plaintiffs’ alleged fear of harm no longer outweighs the public’s interest in open legal proceedings.

[Jane Does 1-6, et al. v. Mills et al.](#) [PDF – 183 KB] 

No. 1:21-cv-00242-JDL

Decided May 31, 2022

Opinion by Jon D. Levy

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### Quiz Question: June 2022

**Question:** What is the theme of the [Public Health Law Practitioners Convening](#)  ?

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### Last Month’s Quiz Answer

**Question:** When is the [Public Health Law Practitioners Convening](#)  ?

**Answer:** August 17–19. [Learn more](#)  about the Convening and early-bird registration.

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### Quote of the Month

“I think what we’re seeing now is deep-seated disparities and social determinants of health are kind of bearing out,” said Joe Friedman, a UCLA researcher, referring to the disproportionate overdose deaths among Native American people.

[Editor’s note: This quote is from the above article [The Blackfeet Nation’s struggles underscore the fentanyl crisis on Native American reservations](#) , Montana Public Radio, Aaron Bolton (05/24/2022).]

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