



## Public Health Professionals Gateway

# Public Health Law News

April 2022




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


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### Announcements


#### 2022 Public Health Law Practitioners Convening

The 2022 Public Health Law Practitioners Convening is scheduled to be held **August 17–19** in **Chicago**. The theme for this practice-based convening is “Law, Policy & Equity in Public Health Practice: Learn, Lead, and Leverage.” Continuing Legal Education (CLE) will be offered for attendees. [Learn more](#) .


#### APHA 2022 Seeking Law Section Abstracts and Reviewers

The American Public Health Association (APHA) Annual Meeting and Expo will take place **November 6–9** in **Boston**. APHA is seeking abstracts on public health law topics, including environmental health, infectious disease, COVID-19, legal preparedness and response, and more. APHA is also seeking volunteers to be abstract reviewers. Abstracts and reviewer interest forms may be submitted now through **April 30**. [Learn more and volunteer](#) .

#### Webinar | Best Practices for Medical Staff Investigations


The American Health Law Association is hosting a webinar **April 27** from **2:00–3:30 pm (EDT)** on the topic Best Practices for Medical Staff Investigations: Dueling Perspectives from Attorneys for Physicians and Medical Staff. The webinar will cover the basics of what is involved in a medical staff investigation, as well as a look at both sides of the investigation and details the nuances that are critical for attorneys representing both the physicians and the medical staff. [Register here](#) .

### Journal Article | An Antiracist Health Equity Agenda for Education

The Cambridge University Press *Journal of Law, Medicine & Ethics* recently published an article titled “An Antiracist Health Equity Agenda for Education,” written by Thalia González, Alexis Etow, and Cesar De La Vega. The article names racism a public health crisis and focuses on the need to include education, policing, and discipline practices in the antiracist health equity agenda. The authors highlight the three action areas for achieving this goal: 1) research, 2) policy and advocacy, and 3) teaching and training. [Read the article](#) .


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### Job Opportunity | Pima County Attorney's Office (Arizona)

The Pima County Attorney's Office is seeking applicants for an open staff attorney position in the Health Law Unit. This full-time position is based out of **Tucson**. This role includes defense of a variety of criminal and civil cases. Applicants should demonstrate strong skills in legal research and writing, legal analysis, and in-court case representation. Applicants should submit a resume, cover letter, and writing sample, and should indicate a preference for the Health Law Unit. Contact Jonathan Pinkney ([Jonathan.pinkney@pcao.pima.gov](mailto:Jonathan.pinkney@pcao.pima.gov)) with any questions. [Here's how to apply](#) .

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### Remote Job Opportunity | Public Health Law Watch Summer Assistant


The Public Health Law Watch (PHLW) team has joined ChangeLab Solutions, the Network for Public Health Law, Temple University's Center for Public Health Law Research, and the Public Health Law Center to work on the Act for Public Health project. PHLW is seeking one to two **summer research assistants** to work on this project. Tasks will include public health authority litigation tracking, legal research, amicus brief drafting, and data mapping. To apply, email your resume to [Faith Khalik](#). [Learn more about PHLW](#) .

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## Tribal Announcements


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### National Tribal Public Health Summit | Virtual

The National Indian Health Board is hosting the virtual National Tribal Public Health Summit (TPHS) on **May 9–12**. TPHS offers six summit tracks, including Tribal Public Health Infrastructure, Policy and Systems and Decolonizing Public Health. [Learn more and register](#) .

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### Job Opportunity | Yakama Nation Public Defender


The Yakama Nation Public Defender Legal Aid Services Program is seeking applicants for a full-time staff attorney position in **Toppenish, Washington**. This position will provide legal representation to tribal member clients in administrative agencies and in tribal, municipal, state, and federal court. Focus areas for cases include fishing and gaming, children's court, dependency, federal Indian law matters, and more. The position also includes legal education law clinics for the public. [Here's how to apply](#) .

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## Legal Tools & Training


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### Registration Open for the Health Law Professors Conference

The Sandra Day O'Connor College of Law at Arizona State University is hosting the 45<sup>th</sup> Annual Health Law Professors Conference, which will take place **June 1–3** in **Phoenix**. Conference session topics include Teaching Health Law in Practice & Via Medical Legal Partnerships, Teaching Public Health Law to MPH Students, Ethical Conundrums on the Frontlines of Health Policy, and more. [Register today](#) .

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### Podcast | Policies and Laws for the Health of All

The **CDC Foundation** recently released the 26th episode in the podcast series “Contagious Conversations.” Podcast host Claire Stinson and Sarah de Guia, CEO of ChangeLab Solutions discuss the importance of bettering **community engagement** to advance public health goals and policy development. [Listen to the recording or read the transcript](#) .


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### 50-State Survey of Public Health Authority Legislative Bills

In their regular 2021 legislative session, many states passed laws that restricted the ability of state and local public health officials, governors, and others to respond to **public health threats**. This resource from the Network for Public Health Law details legislation and broader proposed limitations on public health authority introduced in all 50 states (and the District of Columbia) from September 1, 2021 through March 15, 2022. [Learn more](#) .

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## Registration Open for the NACCHO 360 Conference | Virtual & In-Person

Registration is now open for the National Association of County and City Health Officials (NACCHO) 360 Conference. The conference is scheduled to be held virtually and in-person **July 19–21** in **Atlanta**. This year's theme is "Looking to the Future: Reshaping the Public Health System" and will explore innovative and traditional approaches to restructure the public health system. Early-bird registration ends **June 6**. [Register today](#) .

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## Top Story


### Wisconsin: Wisconsin passes law making threats against healthcare workers a felony

Healthcare Dive (03/24/2022) Hailey Mensik

#### Story Highlights

On Wednesday, March 23, 2022, Wisconsin Governor Tony Evers signed a bill into law making threats to healthcare workers a felony in Wisconsin. This mirrors other state laws that make it a felony to threaten police officers and government workers, and expands on existing state law that makes battery against emergency department employees, emergency care providers, and nurses a felony. This law developed because of ongoing verbal and physical attacks on healthcare workers by both patients and family members. Healthcare workers, along with social service industry members, are five times more likely to experience injury from workplace violence compared to other workers.

Incredible Health, a staffing firm, found in a recent survey of nurses that "nurses believe attacks are on the rise, partially due to ongoing COVID-19 guidelines" with 65% of survey participants indicating that they have been attacked verbally or physically over the last year by a patient or patient's family member. Like other hospitals across the country, Wisconsin hospitals are facing ongoing staffing shortages for healthcare workers. The Wisconsin Hospital Association determined that 13 of 17 healthcare worker positions surveyed experienced higher vacancy rates in 2021 than in 2020. Association President Eric Borgerding believes that increased threats against healthcare workers have contributed to these vacancy rates.

[Editor's note: [Read Wisconsin Legislature: AB960: Bill Text](#)  and [learn about violence occupational hazards in hospitals.](#)]

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## Briefly Noted

### California: Tent camps to court: the legal fight over homelessness

Law 360 (03/25/2022) Jack Karp

[Editor's note: Read about [homelessness as a public health law issue.](#)]

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### Kentucky: Simpson County receives more than \$680,000 through Cleaner Water Program




Bowling Green Daily News (03/28/2022) John Reecer

[Editor's note: Read about the [funding for Simpson County, Kentucky](#)  and the [safe water system.](#)]

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### Maryland: Bill passes to expand health coverage for pregnant women regardless of immigration status

WMAR (04/09/2022)

[Editor's note: Read about [Maryland's new law](#)  and the option to [expand Medicaid coverage postpartum](#)   
[\[PDF – 360 KB\]](#) .

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### Texas: Chevron Phillips will settle Texas pollution suit for \$121M

Courthouse News Service (03/09/2022) Emily Zantow

[Editor's note: Read about [air pollution and public health.](#)]

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### Tribal: New bill would finally let tribes access CDC money for public health emergencies

HuffPost (03/30/2022) Jennifer Bendery

[Editor's note: Read about [emergency response funding.](#)]

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**Tribal:** [Washington OKs 1st statewide missing Indigenous people alert](#) 

Associated Press (03/31/2022) Gillian Flaccus and Ted S. Warren

[Editor's note: Read about [missing and murdered Indigenous people](#) .

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**National:** [How 2 industries stymied justice for young lead paint victims](#) 

Denver Post (03/30/2022)

[Editor's note: Read about the [health effects of lead exposure](#).]

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**National:** [Making mushrooms legal](#) 

The Nation (03/23/2022) Aída Chávez

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## Global Public Health Law News

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**Ukraine:** [Public health catastrophe looms in Ukraine, experts warn](#) 

Mercury News (03/26/2022)

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**Worldwide:** [Global disparities persist in opioid painkiller access](#) 

Science Daily (03/31/2022) University College London

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**Worldwide:** [One in three children with disabilities globally have experienced violence in their lifetimes, study finds](#) 

Science Daily (03/23/2022) Columbia University's Mailman School of Public Health

[Editor's note: Read about [childhood maltreatment among children with disabilities](#).]

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## Court Filings & Opinions

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### New York

In September 2019, respondent Public Health and Health Planning Counsel (hereinafter the Council), along with respondent Commissioner of Health (hereinafter Commissioner) adopted emergency regulations to prohibit the “possession, manufacture, distribution or sale of ‘any e-liquid with a distinguishable taste or aroma, other than the taste or aroma of tobacco or menthol’” along with electronic cigarettes or other similar devices containing this liquid. This emergency regulation was adopted in response to rising concerns surrounding youth vaping and the role of flavored vape liquids. In response to this regulation, after it was adopted but before implementation, petitioners Vapor Technology Association (hereinafter VTA) moved for preliminary injunction to prevent enforcement of the regulations. The request for a temporary restraining order (TRO) was denied pending the outcome of the motion, but the court did ultimately grant the TRO in October 2019, granting the motion for preliminary injunction in January 2020.

The Council and Commissioner appealed this decision, which was rendered moot due to the enacting of Public Health Law § 1399-mm-1, prohibiting the sale of non-tobacco flavored electronic cigarette products in April 2020. The Council and Commissioner discontinued the appeal and VTA reserved the right to move for counsel fees and expenses under the States Equal Access to Justice Act. In July 2020, VTA moved for such fees. On this motion, the court found that they were entitled to these fees, and Commissioner and Council appealed. This court reversed this decision, finding that this case failed to meet the requisite standard and the Council and Commissioner “articulated a reasonable factual and legal basis for their arguments” and “acted within their rule-making authority” when adopting the emergency regulations.

[In the Matter of Vapor Technology Association et al. v. Andrew M. Cuomo, as Governor of the State of New York, et al](#) .

Appellate Division of the Supreme Court of New York, Third Department

No. 532438

Decided March 31, 2022

Opinion by Egan, Jr., J.


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## COVID-19 Court Filings & Opinions

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## New York

Plaintiffs Jonathan Roberts and Charles Vavruska request that this court issue a preliminary injunction to enjoin Mary T. Bassett, the Commissioner of the New York State Department of Health (the “State Defendant”) and the Department of Health and Mental Hygiene of the City of New York (“DOHMH” or the “City Defendant,” collectively, “Defendants”) from distributing COVID-19 treatments on the basis of race. For the reasons explained below, this court lacks subject matter jurisdiction over this dispute because Plaintiffs have not demonstrated Article III standing. Thus, as there is no case or controversy before this court, the court declines to consider Plaintiffs’ motion for a preliminary injunction, and the case is DISMISSED.

[Jonathan Roberts and Charles Vavruska v. Mary T. Bassett, in her official capacity as Commissioner for New York State Department of Health and the Department of Health and Mental Health Hygiene of the City of New York](#) 

United States District Court, Eastern District of New York

No. 20-CV-710 (NGG) (RML)

Decided March 15, 2022

Opinion by Nicholas G. Garaufis, D. J.

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## Texas

Lozano, Strait, and Salinas were residents in Southeast nursing facilities. Each of them died during the COVID-19 pandemic at least in part due to contracting COVID-19. Crystal Perez (Lozano’s niece), Robert T. Strait (Strait’s son), and Joe Salinas (Salinas’s son) are the Plaintiffs in this consolidated appeal. They each brought an action in Bexar County, Texas, alleging that Southeast SNF, LLC, Texas Operations Management, LLC, and Advanced HCS, LLC (collectively, Southeast, or Defendants) violated standards of care and caused injury to their deceased family members.

[Crystal Perez, on behalf of The Estate of Ricardo Lozano, deceased v. Southeast SNF, L.L.C., doing business as Southeast Nursing, et al](#) .

United States Court of Appeals, Fifth Circuit

No. 5:21-CV-88; 5:21-CV-90; 5:21-CV-89

Decided March 31, 2022

Opinion by Higginbotham, Stewart, and Wilson, C.J.

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## Quiz Question: April 2022

**Question:** What is the location of the upcoming [Public Health Law Practitioners Convening](#) .

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## Last Month’s Quiz Answer

**Question:** CDC’s Public Health Law Program recently updated its [vaccination law](#) resource. What are the school vaccination exemption laws in your state?

**Answer:** Depends on your state! [View the updated resource](#)  [PDF – 849 KB].

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## Quote of the Month

“With significant workforce challenges in Wisconsin hospitals, we cannot afford to lose providers because they fear threats in the workplace.”

[Editor’s note: This quote is from the above article [Wisconsin passes law making threats against healthcare workers a felony](#) , Healthcare Dive, Hailey Mensik (03/24/2022)]



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