



Public Health Law News

October 2021




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


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Announcements


US Department of Labor (DOL): Honors Program Applications

The DOL Office of the Solicitor is seeking law students who will graduate between October 1, 2021, and September 30, 2022. Its Honors Program provides challenging professional opportunities for outstanding law school graduates. Honors Program attorneys work with various client agencies within DOL, gaining exposure to a broad range of legal work in one of the government's preeminent legal offices. After completing the two-year program, these attorneys will continue their careers in public service in one of DOL's offices. The deadline for submitting applications is **Friday, November 12**. [Learn more and apply](#) .


New Release: 'Public Health Law Introduction Videos' for Public Health Practitioners

ChangeLab Solutions has released series of 5 training videos (7–9 minutes long) from the **Public Health Law Academy** (a collaboration between CDC and ChangeLab Solutions). These video shorts were designed for public health practitioners who do not have formal legal training, so anyone can strengthen their understanding of the US legal system and how it affects public health. They can also be used by public health trainers and educators as separate trainings or together as an overview of material in the full-length online trainings. [View the trainings](#). .


Register for American Public Health Association 2021 Annual Meeting and Expo

The American Public Health Association (APHA) will hold its annual meeting and expo on **October 24–27** in Denver and online. The theme of APHA 2021 is *Creating the Healthiest Nation: Strengthening Social Connectedness*. [Learn more and register](#) .


Equity Impact Scholarship

Dignity Health Global Education (DHGE) has partnered with CommonSpirit Health to promote diversity, equity, and inclusion in healthcare through a **\$3 million scholarship program** geared toward healthcare professionals who are looking to develop their skills, knowledge, and expertise through skills-based education and training. DHGE is offering more than 1,000 scholarships for professionals in healthcare who are interested in advancing their education to invest in their careers and make an impact in their communities. [Learn more and apply](#) .

Newly Published Article on PrEP for 16-Year-Old

Case 27-2021: A 16-year-old boy was seen in a hospital infectious disease clinic for consideration of preexposure prophylaxis (PrEP) against HIV infection. The boy identified as a cisgender male and had recounted more than 10 male sexual partners whom he met through a series of dating apps. He requested that the content of the visit remain confidential, resulting in management decisions that had to account for legal parameters of confidentiality and informed consent of minors. Visit the New England Journal of Medicine to read the [published case record](#)  from Massachusetts General Hospital.


Policy Surveillance Training Webinar Series

Registration is now open for the introductory and advanced policy surveillance training webinars. The one-hour, free webinars, hosted by the Center for Public Health Law Research, introduce methods and applications for policy surveillance and scientific legal mapping. [Learn more and register](#) .


Maryland Journal of Health Care Law & Policy Accepting Submissions

The University of Maryland Journal of Health Care Law & Policy is accepting submissions for articles to be published in Volume 25 in Fall 2021. Manuscripts may be submitted through Scholastica or directly to JHCLPEXEC@law.umaryland.edu.

CDC Foundation Job Opening: North Carolina Paralegal, Public Health Workforce Initiative


The CDC Foundation helps CDC save and improve lives by unleashing the power of collaboration between CDC, philanthropies, corporations, organizations, and individuals to protect the health, safety, and security of America and the world. As part of the duties of the position, the selected candidate will communicate with attorneys and/or clients to take instructions, find information, support legal actions, and work with attorneys to draft required documentation for various types of transactions. [Learn more and apply](#) .

CDC Foundation Job Opening: North Carolina Public Health Attorney, Public Health Workforce Initiative

The selected candidate will provide support to the Director of Regulatory and Legal Affairs and the North Carolina Commission for Public Health in administrative rulemaking. They will assist staff in the administrative rulemaking process, including drafting and formatting rules and drafting and securing approval of rulemaking fiscal notes. Other duties include providing support to division program staff in drafting and reviewing legal agreements, such as data use agreements and memoranda of agreement. [Learn more and apply](#) .

Tribal Announcements

Indigenous Peoples' Day Established

President Joe Biden proclaimed October 11, 2021, as Indigenous Peoples' Day, recognizing their invaluable contributions, resilience, and inherent sovereignty, and committing to honoring the federal government's trust and treaty obligations to Tribal Nations. [Learn more](#) .

Legal Tools

Virtual Training: Legal & Policy Approaches to Reducing Prescription Drug Overdose

CDC's Public Health Law Program and ChangeLab Solutions offer a free training titled "Legal & Policy Approaches to Reducing Prescription Drug Overdose" through the [Public Health Law Academy](#). This training provides an overview of laws that affect the problem of prescription drug overdose in the United States, points of action to reduce overdose risk—including prescription monitoring programs and naloxone access laws—and best practices in law and policy to reduce overdose. [Take the training](#).

Virtual Training: Pharmacist Collaborative Practice Agreements (CPAs)

CDC, ChangeLab Solutions, the American Pharmacists Association, and the National Alliance of State Pharmacy Association offer a free training titled "Pharmacist Collaborative Practice Agreements." This training is intended for pharmacists (prescribers, decisionmakers, and public health practitioners). The training defines CPAs, describes when and how to use them in an outpatient setting, considers approaches for developing a trusting relationship to create a CPA, and identifies resources available for pharmacists looking to establish a CPA. [Take the training](#).

Updated Emergency Preparedness Training

The Public Health Law Academy offers a free training titled "Public Health Threats & the US Constitution: What Responders Need to Know About Equity, Law, and Public Health Authority." This training provides an overview of laws that affect how the government can respond to crises in ways that advance rather than hinder health equity. It uses real-life scenarios to illustrate how health departments balance their authority to protect the public health and safety with the constitutional principles that protect individual civil liberties. [Take the training](#).

Top Story

National: [Their baby died in the hospital. Then came the \\$257,000 bill](#).

The New York Times (09/23/2021) Sarah Kliff

Story Highlights

After the sudden death of Clayton and Brittany Lane's 25-day-old baby, the couple received an onslaught of medical bills, though the family was covered by insurance. The bills resulted from a clerical error.

At the time of the preterm birth, Ms. Lane had recently switched jobs, and though she was diligent in reporting the change in insurance (even going so far as to fill out new forms while in labor), the old insurance company was charged and ultimately paid the entire \$257,000 bill. When the error was discovered, rather than seeking reimbursement from the hospital or the new insurer, the old insurer sought recompense from the Lanes, subjecting them to months of anxiety and constant reminders of their loss.

Experts have said that the convoluted nature of health insurance and cases like the Lanes' speak to "the wider lack of predictability in American medical billing, with patients often having little idea what their care will cost until a bill turns up in the mail months later."

In 2020, Congress passed a law banning surprise medical bills—bills that patients receive from out-of-network providers who were not expected to be involved in a patient's care. The new law takes effect in 2022 but does not address complications such as those faced by the Lanes.

[Editor's note: Learn more about the [No Surprises Act](#).]

Briefly Noted

California: [California makes it illegal to remove condom without consent](#)

NBC News (10/08/2021)

[Editor's note: Read California's [nonconsensual condom removal law](#).]

Michigan: [Seven years after Flint water crisis, another Michigan community faces water issues](#) 

Newsweek (10/11/2021) Andre Ellington

[Editor's note: Learn more about [lead exposure](#).]

Missouri: [Thousands of additional Missourians eligible for Medicaid](#) 

AP News (10/01/2021)

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

Texas: [Austin saw 103 days of unsafe levels of air pollution in 2020, the third worst city in state](#) 

Austin-American Statesman (10/06/2021) Brooke Park

[Editor's note: Learn more about [air pollution](#).]

Tribal: [After denying care to Black Natives, Indian Health Service reverses policy](#) 

New York Times (10/08/2021) Mark Walker and Chris Cameron

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

Tribal: [Gov. Tony Evers apologizes for Indian boarding schools in executive order on Indigenous Peoples' Day](#) 

Green Bay Press Gazette (10/11/2021) Frank Vaisvilas and Sarah Volpenhein


National: [F.D.A. authorizes e-cigarettes to stay on U.S. market for the first time](#) 

The New York Times (10/12/2021) Matt Richtel and Sheila Kaplan

[Editor's note: Learn more about the [CDC's view on e-cigarettes](#).]

National: [F.D.A. issues guidelines to reduce salt in foods](#) 

The New York Times (10/13/2021) Andrew Jacobs

[Editor's note: Learn more about the [FDA's salt reduction goals](#) .]

National: [Opioid treatment scam may be coming to your state](#) 

Pew Charitable Trust (10/07/2021) Christine Vestal

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

Global Public Health Law News


Afghanistan: [Afghan Health Minister: Health care is 'on the verge of collapse'](#) 

NPR (09/18/2021) Kamala Thiagarajan

[Editor's note: Learn more about [immigrant, refugee, and migrant health](#).]

Bangladesh: [U.N. and Bangladesh sign deal to aid Rohingya relocated to island in Bay of Bengal](#) 

NPR (10/11/2021)

[Editor's note: Learn more about the [Rohingya refugee crisis](#) .]

Haiti: [Half of Haiti's earthquake victims still have not received assistance, U.N. says](#) 

WLRN (09/17/2021) Jacqueline Charles

[Editor's note: Learn more about [natural disaster safety and protocol](#).]

World: [A 'historic event': First malaria vaccine approved by W.H.O](#) 

The New York Times (10/06/2021) Apoorva Madavilli

[Learn more about [malaria](#) and the [vaccine](#) .]

California

The Superior Court of California in Fresno County ordered a local air control entity to rescind two regulations that exempted certain petroleum refineries from pollution monitoring requirements.

A California statute (the Refinery Statute) requires owners of petroleum refineries to install and operate air monitoring systems. Under the Refinery Statute, refinery owners and each local air district must use the systems to collect and produce public, real-time data about each refinery's operations, but local districts may issue regulations related to the design, operation, and maintenance of the monitoring systems. The San Joaquin Valley Unified Air Pollution Control District (the District) implemented two regulations pursuant to this power, excluding specific types of refineries from the Refinery Statute's data-monitoring requirement. A coalition of community groups subsequently challenged the regulations as violative of state law.

The court agreed. Specifically, the court found that the District exceeded its authority by implementing regulations that contradicted the express terms of the Refinery Statute and that the regulations were arbitrary, capricious, and lacked an evidentiary basis in the record. The court therefore granted an initial writ of mandate, ordered the District to issue new regulations that comply with the Refinery Statute, and stated that any new regulations must be supported by adequate scientific and technical evidence.

[Comite Progreso De Lamont, v. San Joaquin Valley Unified Air Pollution Control Dist.](#)  [PDF – 731 KB] 

Superior Court of California, County of Fresno

No. 20CECGO3416

September 17, 2021

Opinion by Mark E. Cullers, Judge

Vermont

The Supreme Court of Vermont reversed a trial court's grant of summary judgment to defendant Wellpath, a private healthcare entity. The Supreme Court held that Wellpath, which contracted with the Vermont Department of Corrections (DOC), qualified as a "public agency" under the Vermont Public Records Act (PRA) during the contract period.

The contract between Wellpath and the DOC provided that Wellpath would deliver or procure all medical care for inmates at DOC facilities and that the DOC was to ensure Wellpath's compliance with all relevant laws and regulations. The court looked to the plain language of the PRA and explained that when the state delegates "the entirety" of a fundamental governmental function to a private entity, the entity acts as an "instrumentality" of the state, and that instrumentalities qualify as public agencies. Based on Wellpath's comprehensive responsibilities under its contract with the DOC, the court determined that Wellpath qualified as a public agency within the meaning of the PRA while the contract was in effect and must release records which would fall under the PRA for the agency itself. Accordingly, the case was remanded for further proceedings.

[Human Rts. Def. Ctr. v. Correct Care Sols., LLC](#) 

Supreme Court of Vermont

No. 2020-308

September 3, 2021

Opinion by Eaton, Justice

Federal

Pursuant to a consent decree, the US District Court for the Middle District of Florida entered a permanent injunction that prohibits a pharmaceutical company from distributing drugs until it completes various corrective actions and receives approval from the US Food and Drug Administration (FDA). Specifically, the injunction states that defendant Premier Pharmacy Labs, Inc., cannot engage in compounding operations or drug distribution until it complies with the Food, Drug, and Cosmetic Act's sanitation requirements, allow FDA to inspect its facility and pharmaceuticals, and remedies any identified insufficiencies.

[United States v. Premier Pharmacy Labs, Inc. \[PDF – 231 KB\]](#) 

United States District Court for the Middle District of Florida, Tampa Division

No. 8:21-cv-2151-MSS-JSS

September 17, 2021

Opinion by Mary S. Scriven, District Judge

Federal

A federal court in Colorado found that the Bureau of Land Management (BLM) violated the National Environment Policy Act (NEPA) and Administrative Procedure Act in making its decision to lease 58,000 acres of land for oil and gas development. NEPA dictates the process by which agencies like BLM must evaluate the environmental and related social and economic effects of their proposed actions. Based on the administrative record, the court found that BLM did not comply with NEPA because it failed to consider recent pollution data and disregarded an air quality report regarding adverse impacts to air quality and wilderness areas.

Nonetheless, the court declined to revoke BLM’s leases and instead remanded the matter to the agency for reconsideration of its environmental analysis.

[Rocky Mountain Wild v. U.S. Bureau of Land Mgmt.](#)  [\[PDF – 203 KB\]](#) 

United States District Court for the District of Colorado

No. 18-cv-02468-MSK

September 28, 2021

Opinion by Marcia S. Krieger, District Judge

Quiz Question: October 2021

Question: What mosquito-borne disease kills nearly 500,000 people annually?

Last Month’s Quiz Answer

Question: What month is National Preparedness Month?

Answer: Since its inception in 2004, National Preparedness Month has been observed every September in the United States.

Quote of the Month

“We can’t achieve the cycle of life unless we acknowledge the atrocities,” said Tina Danforth, treasurer for the Oneida Nation Business Committee and former tribal chairperson, of the acknowledgement of Wisconsin’s role in mistreatment of American Indian children at boarding schools.

[Editor’s note: The quote is from the above article [Gov. Tony Evers apologizes for Indian boarding schools in executive order on Indigenous Peoples’ Day](#) , Green Bay Press Gazette, by Frank Vaisvilas and Sarah Volpenhein (10/11/2021).]

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The *Public Health Law News* is published the third Thursday of each month except holidays, plus special issues when warranted. It is distributed only in electronic form and is free of charge.

The *News* is published by the Public Health Law Program in the Center for State, Tribal, Local, and Territorial Support.

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