



Public Health Professionals Gateway

Public Health Law News


May 2020





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

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COVID-19 Tools and Information


The **COVID-19 Telehealth Program** will provide \$200 million in funding, appropriated by the (CARES) Act, to help healthcare providers provide connected care services to patients at their homes or mobile locations in response to the COVID-19 pandemic. [Learn more and apply.](#) 

The **COVID-19 Legal and Business Toolkit** is designed to help companies navigate the complex considerations they are facing and develop **plans and strategies** in response. [Start using the toolkit](#) .


Coronavirus resources for local health from the National Association of County & City Health Officials (NACCHO) can help local health departments respond to the current environment and understand **COVID-19's impact** on communities. [View NACCHO's resources](#) .


A **new blog from ChangeLab Solutions** shares best practices and policies to strengthen governments' and businesses' response to COVID-19 to prioritize health equity. [Read the blog](#) .


The **Beazley Symposium on Health Care Law and Policy** is scheduled to be held on **October 30** in Chicago. The symposium's purpose is to explore the impact that public health crises, such as COVID-19, have on vulnerable populations. Participants will discuss how public and private sector responses address these populations' needs, and aim


to identify how **social determinants of health** made these populations vulnerable before coronavirus. [Here's how to attend](#) .

Announcements

Health Law and Policy Program: Virtual Summer Series Events are free and available via Zoom. Stay engaged and connected this summer. Learn from a panel of experts discussing the latest legal developments in healthcare fraud and abuse, drug and medical device regulation, and artificial intelligence. [Explore the virtual series](#) .

The 13th Annual Health Law and Policy Summer Institute (virtual), from the American University Washington College of Law, welcomes students and experienced professionals from across the nation to network, participate in panels, take intensive courses, and more. [Here's how to apply.](#) .

The International Conference on Health Law and Justice is scheduled to be held **December 10–11** in New York City. This event will bring together leading academic scientists, researchers, and research scholars to exchange and share their experiences and research results on all aspects of **health law and justice**. The event will also provide a premier interdisciplinary platform for presentations and discussions about the most recent innovations, trends, challenges, and solutions adopted. [Read more about the event.](#) .


The Network for Public Health Law is seeking a **public health attorney** for a position located in Edina, Minnesota. The attorney will provide legal technical assistance, conduct trainings, develop tools and educational materials, and facilitate opportunities for networking and peer-assistance on a wide variety of public health law topics, including **COVID-19** response and recovery. [Apply today](#) .

Announcement & Tools for Tribes


COVID-19 Funding for Tribes

CDC is pleased to announce a noncompetitive [notice of funding opportunity](#) (NOFO) to reach all Title I and Title V tribal nations with funding to respond to COVID-19. The application deadline is **May 31, 2020**.


Call for All Tribal and Urban Indian Organization Leaders

The Indian Health Service (IHS) will hold a [call on June 4](#)  for all tribal and urban Indian organization leaders regarding IHS updates.


Tribal Public Health and the Law: Selected Resources

These resources, collected and published by the **Public Health Law Program** (PHLP), within CDC's Center for State, Tribal, Local, and Territorial Support, describes and comments on [tribal public health law topics](#)  [\[PDF - 438KB\]](#), including infectious disease control, emergency preparedness, and public health data.

Marijuana Legalization in Indian Country: Selected Resources

These [selected resources](#)  [\[PDF - 438KB\]](#), collected and published by PHLP, describe and comment on the **legalization of marijuana** in Indian Country.


The Affordable Care Act & American Indian and Alaska Native (AI/AN) Communities: Selected Readings and Resources

This [list of readings and resources](#)  [\[PDF - 313KB\]](#) describes the Affordable Care Act and the Indian Health Care Improvement Act's **impact on AI/AN communities**. It includes summaries of the laws, scholarly articles, and resources on enrollment and exemptions.

Selected Tribal Laws Related to Occupational Safety and Health


These examples of [selected tribal laws](#) related to occupational safety and health can be referenced by jurisdictions interested in developing or updating their own occupational safety and health laws.

Senators Introduce Bill on Tribal Healing to Wellness Courts

Here is a [short overview](#)  [PDF - 178KB] of a recent US Senate bill authorizing funding to support tribes establishing Tribal Healing to Wellness Courts.

Legal Tools

Contraceptive Equity in Action: A Toolkit for State Implementation


The National Health Law Program developed this [toolkit](#)  to explore how **contraceptive equity laws** fit within the broader federal and state health insurance landscape. After laying out the federal legal framework for contraceptive coverage laws, the toolkit provides a comprehensive analysis of the laws in all states that have adopted contraceptive equity.

Top Stories

National: [Supreme Court appears divided on Trump plan to limit contraception coverage](#)

NBC (05/08/2020) Pete Williams

Story Highlights

The [US Supreme Court](#)  on Wednesday seemed divided on Trump administration rules that would give employers more leeway in refusing to provide their employees free birth control by citing religious or moral objections.

The case argued on Wednesday involved rules that would allow publicly traded companies and large universities to claim a religious objection for refusing to provide the contraceptive coverage. Even more broadly, employers and schools with any moral objection would also be exempt from the requirement.

In a 2014 case involving Hobby Lobby stores, the Supreme Court said a private, religiously oriented, and closely held company could get an exemption from the contraceptive mandate on religious grounds. The Trump administration rule would expand the exemption and let even publicly held companies seek an exemption.

National: [Millions of women could lose contraception access amid coronavirus outbreak](#)

NY Daily News (04/29/2020)

[Editor's note: Read an [article](#)  by the United Nations Population Fund about COVID-19 implications on women's health.]

Story Highlights

An alarming new report indicates that more than 47 million women worldwide might not have access to birth control in the ensuing months of the COVID-19 outbreak. "This could lead to 7 million unplanned pregnancies," warned the United Nations.

The story indicates that for every three months the lockdown continues, as many as an additional 2 million women might be unable to acquire birth control and "31 million more cases of gender-based violence are to be expected to occur if the lockdown continues for at least six months."

Briefly Noted

Georgia: [National Guard to open new free coronavirus testing sites](#)

WSB-TV Atlanta (04/22/2020) Lauren Pozen

Georgia: [Emory hospital develops coronavirus antibody blood test](#)

Fox 5 (04/13/2020) Beth Galvin

Georgia: [Emory enrolling older adults in COVID-19 vaccine clinical trial](#) 

Emory News Center (04/17/2020) Shannon McCaffrey

Georgia: [Gwinnett one of the three communities piloting COVID-19 contact-tracing application](#) 

Gwinnett Daily Post (05/09/2020) Curt Yeomans

Idaho: [Little outlines plan to cut public school funding by \\$99 million](#) 

Idaho News (05/08/2020) Clark Cobin

[Editor's note: Read the [document](#). 

Kentucky: [Ankle monitors ordered for Louisville, Kentucky, residents exposed to COVID-19 who refuse to stay home](#) 

Louisville residents who have been in contact with coronavirus patients but refuse to isolate themselves are being made to wear ankle bracelets.

CNN (04/03/2020) Mallika Kallingal

New Jersey: [NJ grants legal immunity to COVID-19 healthcare providers](#) 


The law—retroactive to March 9—is designed to “ensure that there are no impediments to providing medical treatment related to the COVID-19 emergency,” according to a statement of intent attached to the bill, which easily passed both houses of the state legislature during an emergency vote Monday.

NJ Spotlight (04/15/2020) Lilo Stainton

[Editor's note: Read the [policy](#) .]

North Carolina: [Empty hotel rooms provide safe haven for domestic violence survivors during the pandemic](#) 

HuffPost (05/04/2020) Naomi Snyder

Pennsylvania: [As Philly region's stay-at-home order continues, death rate trends down in Philadelphia, and N.J. hopes to open beaches by Memorial Day](#) 

Philadelphia Inquirer (05/08/2020) Justin McDaniel, Erin McCarthy, Ellie Silverman

Pennsylvania: [PA Senate passes bill requiring police to be notified of COVID-19 infections](#) 

State and local health departments will be required to notify law enforcement and other emergency personnel if a person in their jurisdiction has COVID-19.


Erie Times (05/02/2020) Tim Hahn

Tennessee: [State health department gives names, addresses of Tennesseans with COVID-19 to law enforcement](#) 

Chattanooga Times Free Press (05/08/2020) Anita Wadhvani

Utah: [Mitt Romney proposes hazard pay plan for essential workers](#) 

NPR (05/02/2020)

[Editor's note: [Read the proposal](#). 

Tribal: [U.S. Treasury to distribute \\$4.8 billion in pandemic funds to tribal governments](#) 

Reuters (05/05/2020) Andrea Shalal

National: [Ice releases hundreds of immigrants as coronavirus spreads in detention centers](#) 

NPR (04/16/2020) Matt Katz

National: [Legal liability of healthcare providers for care provided during COVID-19 pandemic](#) 

Under the CARES Act, Congress provided liability protection to volunteer healthcare professionals providing healthcare services during the current public health emergency.

Global News

India: [Kerela plans reverse quarantine for elderly](#) 

Hindustani Times (05/04/2020) Ramesh Babu

Indonesia: [Jakarta enacts stricter measures as cases continue to mount](#) 

The Straits Times (04/10/2020) Linda Yulisman

Japan: [This Japanese island lifted its coronavirus lockdown too soon and became a warning to the world](#) 

Time Magazine (04/24/2020) Abigail Leonard


Sudan: [Sudan outlawed female genital mutilation. But experts warn it will take more to end the practice](#) 

CBS News (05/02/2020) Yuti Joshi

International: [Coronavirus: Travel restrictions, border shutdowns by country](#) 

Al Jazeera (5/02/2020)


Profile in Public Health Law: Asha Scielzo, JD

Title: Associate Director, [Health Law and Policy Program](#) , and Adjunct Professor of Law, American University Washington College of Law


Education: JD, Georgetown University Law Center; BA, University of Pennsylvania

Public Health Law News (PHLN): Please describe your path to your current position.



Scielzo: My career path has taken many twists and turns, which has certainly made it very interesting. I like to think of my career as continually evolving, with more chapters to be written. Before law school, I had the terrific opportunity to work for the Advisory Board Company as a healthcare strategy analyst. This work experience, coupled with the clinical research internships I had pursued in college, provided me with a basis for understanding the complexities of the healthcare industry. I knew going into law school that I wanted to pursue a career in the field of health law. My law school provided me with an excellent foundation in legal writing and analytical skills. After law school, I was thrilled to work at a large, international law firm, where I received exceptional training and dedicated mentorship. I worked closely with clients to provide advice and counsel on health law matters related to fraud and abuse, transactions (including physician contracting and joint ventures, hospital mergers, private-equity investment, etc.), and compliance. I began to get involved with academia through guest lectures and development of health law-related coursework for four different law schools. During this period, I transitioned to a mid-sized law firm and continued to develop my expertise in healthcare regulatory counseling. In the last few years, I decided to make the transition to focus my energies full-time in the law school environment, and I am thrilled to serve as the associate director of the Health Law and Policy Program at American University Washington College of Law (AUWCL). I am also privileged to serve on the board of directors of the [American Health Law Association](#) , the nation's largest, nonpartisan, 501(c)(3) educational organization devoted to legal issues in the healthcare field.

PHLN: How are practical skills incorporated into the curriculum and programming?

Scielzo: An overarching goal of our program is to bring the practice of health law to the classroom. We are committed to graduating students who are practice-ready and connected to opportunities. With this goal in mind, I have been working with the director of the program, [Professor Lindsay Wiley](#) , to shape the health law and policy curriculum, implement a Health Care Compliance Certificate, recruit expert practitioners to offer specialized courses, expand health law

externships, provide career counseling, and develop other programming. I manage our annual National Health Law Writing Competition and direct the annual Health Law and Policy Summer Institute. All these aspects of our program are specifically geared towards helping students develop practical skills and industry knowledge.

PHLN: How has AUWCL's curriculum evolved since you have been there?

Scielzo: We have developed a very robust curriculum of health law and food and drug law coursework to provide students with the opportunity to fully immerse themselves in the field. We offer important foundational courses such as Health Law, Public Health Law and Policy, Health Care Fraud and Abuse, and Food and Drug Law, to name a few. We have then added a layer of more specialized courses, such as Health Information Privacy and Data Security, Health Care Business Transactions, and Bioethics and Regulation of Human Subjects Research. Recognizing the importance of compliance with laws and regulations in the healthcare industry, we developed a [Health Care Compliance Certificate](#) program, which is accredited by the [Compliance Certification Board](#). Students take additional courses, such as Corporate Compliance and Ethics and Health Care Corporate Compliance and Governance, to further explore compliance principles and develop expertise in the elements of an effective compliance program. Now more than ever, we recognize the need for all healthcare industry players to implement robust compliance programs, and we want to position our students to be able to provide advice and counsel to promote these efforts.

PHLN: What is the Health Law and Policy Summer Institute?

Scielzo: We believe that is important to have year-round programming and opportunities for students and the broader health law community. This year we will host our [Thirteenth Annual Health Law and Policy Summer Institute](#) for law students, other graduate students, and practitioners. We are offering three specialized immersion courses on digital health, pharmaceuticals, and the False Claims Act, which can be taken separately or together for a general certificate of completion, CLE (continuing legal education), or academic credit. All courses have been structured to work well over Zoom and will thereby reach a national audience. We are really looking forward to having participants from around the country join our virtual classroom this summer!

PHLN: What is the Summer Lunch and Learn Series?

Scielzo: The Health Law and Policy Summer Institute is pleased to host an annual [Health Law and Policy Summer Lunch and Learn Series](#). The events are centered on health law topics, but we've crafted them to have broad appeal. The first session relates to fraud and abuse in the healthcare industry and will include a discussion of current issues arising because of COVID-19. Our second event will discuss drug pricing and regulation, which is another hot topic with broad interest. The final program will discuss artificial intelligence applications for healthcare and the intersection of science and law. All events are cosponsored with the American Health Law Association, and the third event is additionally cosponsored by the [American Association for the Advancement of Science](#). These events are free, and we welcome participants from across the nation via Zoom.

PHLN: What is the Master of Legal Studies program, and who might be interested in pursuing this degree?

Scielzo: American University Washington College of Law offers an online [Master of Legal Studies](#) designed for professionals who would like to develop expertise in law, regulation, and compliance, while not pursuing the practice of law. The MLS offers several concentration tracks, including Health Care Compliance, Business, Technology, and Cybersecurity. I have found that students are able to broaden their leadership potential and access new career advancement opportunities after completing the MLS degree.

PHLN: How are public health and healthcare related?

Scielzo: Public health intersects with healthcare on an individual level. If we think of public health as the science of protecting and improving the health of people and their communities, we recognize that a significant aspect of public health is promoting healthcare equity, quality, and accessibility and limiting health disparities on an individual level. Key healthcare industry players, such as payors and providers, recognize this intersection and are working towards mutually shared goals of health and wellness on a population level.

PHLN: How does healthcare compliance intersect with public health?

Scielzo: I believe that having an effective compliance program is crucial to the success of any healthcare industry organization. Without it, the healthcare organization cannot survive or thrive, ultimately patient care and quality are negatively impacted, and healthcare costs rise. Organizations that implement and maintain robust compliance programs are well positioned to adapt to ever-changing laws, regulations, and public health circumstances and are thus able to provide consistent and stable support to their communities and the public at large.

PHLN: How is digital health evolving, and what is the connection between public health and digital health?

Scielzo: I think of digital health encompassing many different technologies, including artificial intelligence, telehealth, mobile health, and big data analytics. The potential positive impact on public health on a global scale is quite significant. We have only recently begun to tap into this potential. The boom of telehealth is a good example. Because these technologies are developing at a faster pace than the laws and regulations meant to address them, however, this area of law is dynamic and constantly evolving. Also keep in mind that many legal and ethical considerations must be evaluated pertaining to topics such as data privacy, cybersecurity, reimbursement, licensing, credentialing, liability, and bias, to name a few. I believe that digital health has the potential to expand access to healthcare and reduce costs, and it can have a very positive impact on public health, but care must be taken to address these legal and ethical questions.

PHLN: Do you have any hobbies?

Scielzo: I love to read and take long walks. Sometimes I combine these interests, which means I need to be very careful to avoid tripping or walking into traffic! Lately I've taken an interest in cooking, which has been fun for my family. I have a reputation for forgetting things that I put on the stove or in the oven, so we all consider it to be quite an accomplishment when I create a meal that is not burned!

Court Filings and Opinions

California: A California company, RootMD, advertised at-home COVID-19 tests for consumers and claimed the tests would confirm whether or not the consumer had antibodies for COVID-19. The advertising was misleading and suggested the tests were approved by the FDA. The FDA has not approved any at-home testing kits so the city attorney of Los Angeles filed a lawsuit claiming the company violated food and drug regulations. Any tests sold under the FDA emergency guidance are for healthcare settings.

[Los Angeles v. RootMD](#) 

Superior Court of the State of California

Case No: 20STCV15180

Filed April 21, 2020

No. 19A1032

April 27, 2020

California: A California court addressed emergency bail rules that allow bail to be set at zero dollars for certain offenses if invoked during an emergency. The San Diego County Superior Court implemented the rule, but its order allowed deviations from the rule if the prosecuting attorney requested it, which allowed the prosecuting attorney to designate that certain persons not receive zero bail. The petitioners alleged that the court's order allowing the prosecutor to require bail for some was inconsistent with the emergency rule; they advocated that bail *must* be set at zero dollars for all eligible offenses, in particular because of the impact of COVID-19 on the inmate population and the risk of its spread through interactions in the court system. The court found that the order is not inconsistent with the emergency rule, and that the Judicial Council's intent was to set a "presumptive bail amount for the covered offenses and violations" while still allowing the "array of statutes governing bail" to remain in effect.

[Ayala v. Superior Court of San Diego County](#) 

Court of Appeals of California, Fourth District, Division One

Case No. D077460, D077461

Filed April 29, 2020

Opinion by Guerrero, J.

Kansas: The Governor of Kansas brought suit against the Legislative Coordinating Council (a body that makes legislative decisions when the legislature is not in session) of Kansas for purporting to revoke one of her executive orders, which the Governor claims the Council did not have the authority to do. Invoking emergency powers, the Governor issued an emergency declaration for COVID-19, which authorized the Governor to take further protective actions. The legislature adopted a resolution extending the emergency until May 1. The Governor issued a subsequent executive order that prohibited mass gatherings with several exceptions. The Governor then issued a “substantially similar” order that specifically named religious gatherings and funeral or memorial services as prohibited gatherings. The Council then voted to revoke the order. The court held that the Council procedurally lacked the authority to revoke the order and found the Council to be more akin to an administrative agency rather than a legislative one, requiring certain conditions to be met before the Council could take action to revoke an executive order.

[Kelly v. Legislative Coordinating Council](#) 

Supreme Court of Kansas

No. 122,765

Filed April 11, 2020

Per Curiam

Pennsylvania: The United States Supreme Court denied a request for a stay on Pennsylvania’s executive order requiring business closure. The plaintiffs argued that the waiver system, a required process if the businesses wanted to stay open—violated their due process rights. The United States Supreme Court did not explain its reasoning in denying the stay, but the Pennsylvania Supreme Court, which also denied the stay, looked to the Governor’s expansive powers in an emergency and concerns over the severity of COVID-19.

[Friends of Danny DeVito v. Wolf \(U.S.\)](#)  and [Friends of Danny DeVito v. Wolf \(Penn.\)](#) 

United States Supreme Court

No. 19A1032

April 27, 2020

Quiz Question: May 2020

What is a reverse quarantine?

The first reader to correctly answer the quiz question will be featured in a mini public health law profile in the next edition of the *News*. Email your entry to PHLawProgram@cdc.gov with “PHL Quiz” as the subject heading (entries without the heading will not be considered). Good luck!

April 2020 Quiz Winner

Emily Nink, Policy Associate, Public Health and Tobacco Policy Center

April Question:

What state had to amend its policies for patients who experienced cardiac arrest in the pre-hospital setting?

Winning Answer: New York



Employment organization:

The Policy Center is housed at the Public Health Advocacy Institute at Northeastern University School of Law. Our shared mission is to support and enhance a commitment to public health in individuals and institutes who shape public policy through law. We are committed to research in public health law, public health policy development; to legal technical assistance; and to collaborative work at the intersection of law and public health. Our current areas of work include tobacco control, cancer prevention, and chronic disease prevention.

Brief explanation of what you do:

I work closely with our director to provide legal technical assistance to local governments pursuing evidence-based tobacco controls in New York State. I also provide evidence synthesis, policy tracking, and geospatial analysis for a variety

of public health topics. I contribute to written resources and deliver presentations on tobacco control, vaccination, packaged beverage regulation, and nutrition interventions.

Education:

I earned my master of science through the Agriculture, Food, and Environment program at the Tufts Friedman School of Nutrition Science and Policy in Boston. My research and published works at the Friedman School focused on local produce in Massachusetts farmers' markets and community food security. My undergraduate degrees are from Johns Hopkins University, where I majored in Global Environmental Change and Sustainability, and Spanish.

Favorite section of the *Public Health Law News*:

[Legal Tools](#). I have located new resources relevant to my work via this section of the newsletter, and even when I am already aware of a tool or resource, the *News* provides a reminder to visit these websites for new information.

Why are you interested in public health law?

I've been hooked on policy change ever since my involvement as a student organizer with Real Food Challenge, during which our group pushed Johns Hopkins to commit to institutional procurement of healthier, more sustainable and fair foods. Both our institutions and our legal system are far from perfect, and have left us with a legacy of health disparities and harmful, unjust laws that remain in place today. Yet I remain interested in public health law because of its potential to reshape the world we live in and improve opportunities for everyone to be able to make healthy choices.

What is your favorite hobby?

During the winter, sewing (quilting and embroidery, or more recently, making fabric face masks). During the summer, I prefer to be gardening or at the beach!

Quote of the Month

"Birth control is essential health that nearly 9 in 10 women will use in their lifetimes. It's basic healthcare and an economic issue." -*Alexis McGill Johnson, President of Planned Parenthood*

[Editor's note: This quote is from the above article "[Supreme Court appears divided on Trump plan to limit contraception coverage](#)" NBC News, 05/06/2020.]

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