



Public Health Professionals Gateway

Public Health Law News

May 2023



Public Health Law Program

National Center for State, Tribal, Local, and Territorial Public Health Infrastructure and Workforce
Centers for Disease Control and Prevention


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Announcements


Registration Open | ASTHO Public Health TechXpo and Futures Forum

The Association of State and Territorial Health Officials (ASTHO) will host the Public Health TechXpo and Futures Forum, an annual convening of public health leaders and experts across the technology, professional services, financial, workforce, and related sectors. In-person registration for the **May 23–25** event is sold out, but virtual registration is still open. A virtual addition to the event will be offered on **June 15**. [Learn more and register](#) .


Registration Open | ASLME's 46th Annual Health Law Professors Conference

Registration is open for ASLME's 46th Annual Health Law Professors Conference, **June 7–9** in **Baltimore** at the University of Maryland Francis King Carey School of Law. The conference will bring together professionals within the health law community. [Learn more and register](#) .


Request for Feedback | FEMA's National Integration Center

The Federal Emergency Management System's (FEMA's) National Integration Center is seeking public feedback on nine public health resource typing definitions. This 30-day national engagement period will conclude at **5 pm (EDT) on June 8**. These resource typing documents enhance the interoperability and effectiveness of mutual aid by establishing baseline qualifications for National Incident Management System-typed teams. This facilitates the sharing of deployable resources at all jurisdictional levels. National engagement provides an opportunity to comment on the draft documents to ensure they are relevant to all implementing partners. [Learn more and submit feedback](#). .



Registration Open | 2023 Maryland State of Reform Health Policy Conference

Registration is open for the 2023 Maryland State of Reform Health Policy Conference. This conference is focused on bridging the gap between healthcare policy and political reality. The conference will take place in **Baltimore** on **June 14**. [Learn more and register](#) .


Registration Open | APHA Policy Action Institute

Registration is open for the 2023 American Public Health Association Policy Action Institute. The event brings together public health leaders, students, and advocacy experts to discuss proven and proposed policy solutions to address today's most pressing health threats at the local, state, and federal levels. The event will take place **June 15** with an **in-person and online** option and **June 16** for in-person attendees in **Washington, DC**. [Learn more and register](#) .


Call for Submissions | ASLME 3rd Annual Health Law and Anti-Racism Graduate Student Writing Competition

The American Society of Law, Medicine, and Ethics (ASLME) will accept submissions for the 3rd Annual Health Law and Anti-Racism Graduate Student Writing Competition through **July 1**. Papers are required to have a focus on health law within the context of anti-racism. [Learn more and submit an abstract](#)  .

Registration Open | 2023 NACCHO360


The National Association of County and City Health Officials (NACCHO) is hosting its annual member conference designed to help local health officials envision the future of local public health in their communities and provide them with the essential skills and strategies to achieve that vision. The conference will be hosted **July 10–13** in **Denver**. In-person registration is closed, but virtual registration is available. [Learn more and register](#) .

Registration Open | National Association of Local Boards of Health

The National Association of Local Boards of Health is hosting its annual conference **July 31–August 2** in **Tacoma, Washington**. The conference will give attendees the opportunity to explore skills for advocacy and leadership roles for public health funding, workforce, and equity. [Learn more and register](#) .


Tribal Announcements

Call for Manuscripts | *Arizona State Law Journal*


The *Arizona State Law Journal* (ASLJ) is seeking articles for the upcoming fall issue. ASLJ will consider articles discussing any area of Arizona law but will give priority and preference to manuscripts focused on Indian law. Submissions will be considered on a rolling basis until **June 23**. [Learn more and submit a manuscript](#) .

Bilingual (Spanish-English or Portuguese-English) Attorney | The Indian Law Resource Center

The Indian Law Resource Center is seeking candidates for a bilingual attorney with a demonstrated, serious commitment to protecting and advancing indigenous peoples' rights. The attorney must be capable of working in both Spanish and English or Portuguese and English and must be licensed to practice law in at least one state within the United States or in


Mexico or any country within Central or South America. The attorney will work with an experienced team dedicated to promoting and protecting the rights of indigenous peoples, protecting indigenous lands and endangered ecosystems, and fighting climate change. [Learn more and apply](#) .

Director of Congressional Relations | The National Council of Urban Indian Health


The National Council of Urban Indian Health is seeking candidates for a Director of Congressional Relations. This position will provide technical support and coordination for a number of different tribal healthcare advisory committees. In addition, the director will be responsible for the tracking, analyzing, and reporting of current bills, policies, and other agencies that impact urban Indian health. Candidates should have experience administering federal grants and contracts and knowledge of Indian health care programs. [Learn more and apply](#) .

Job Announcements


Program Analyst Public Health Law | NACCHO

NACCHO is seeking candidates for a program analyst position within the Public Health Law and Policy portfolio. The Analyst will support projects related to Health in All Policies (HiAP), environmental health practice, and public health legal practice. Candidates should have a bachelor's degree in public health or other relevant professional field with a minimum of 2–5 years of relevant experience. Master's degree in public health is preferred. [Learn more and apply](#) .


Senior Program Coordinator | The Network for Public Health Law

The Network for Public Health Law is seeking a senior program coordinator to support the national director in key initiatives and administrative activities. Candidates should have a bachelor's degree and five years of experience in administrative support. Interest in public health and experience working with nonprofit organizations is preferred. [Learn more and apply](#) .


Public Health Legal Fellowship | Fund for Public Health NYC

The Fund for Public Health in New York City is seeking candidates for a public health fellow. The fellow will provide legal research and analysis on health-related issues, including development of briefings to support redress relating to disparities and chronic disease; analyze and develop regulations, legislation, and policy; and draft affidavits in support of science-based policies of the New York City Department of Health and Mental Hygiene. Candidates must have both a master's in public health as well as a JD. [Learn more and apply](#) .

Public Health Analyst—South Carolina | CDC Foundation

The CDC Foundation is seeking candidates to support the Overdose Response Strategy. This position will develop and implement drug overdose information sharing systems and evidence-based prevention programs. Candidates should have a master's degree in public health or a related field and minimum of one year of relevant experience or a bachelor's degree in public health or related field and minimum of 3–5 years of relevant experience. [Learn more and apply](#) .

Emergency Preparedness Manager | Public Health Solutions

Public Health Solutions is seeking candidates for an emergency preparedness manager who will support and coordinate Center for Health Equity and Community Wellness emergency preparedness activities to enable more effective and efficient responses. This is a grant-funded position that will be supervised by the New York City Department of Health and Mental Hygiene. Candidates should have a master's degree from an accredited college in emergency management, public health, disaster management, emergency preparedness/administration, public administration, or related field and one year of satisfactory full-time professional experience. [Learn more and apply](#) .

Legal Tools & Trainings

Webinar Recording | Assessing Legal Preparedness for Emergencies: An Overview of the Prevention Measures Law Assessment Tool

The Network for Public Health Law hosted a webinar providing an overview of the newly drafted Prevention Measures Law Assessment Tool. The tool is a draft update to the Social Distancing Law Assessment Tool originally developed by the

Centers for Disease Control and Prevention's Public Health Law Program (CDC PHLP) and ASTHO. The tool offers the opportunity to reflect on implementation, compliance, and enforcement of these measures, as well as the impact on health equity. [Watch the recording](#) .

Webinar Recording | Public Health's Preemption Problem: Key Health Justice Impacts and Updates

The Network for Public Health Law hosted a webinar providing an overview of preemption and its impact in public health. The webinar provides a review of key topics in preemption relating to reproductive rights and reproductive health, from federal and state perspectives, post-Dobbs v. Jackson Women's Health Organization (June 2022). [Watch the recording](#) .

Webinar Recording | Rethinking Health Reform and the Role of Medicaid in Advancing Health Equity

The Health Law and Policy Program at American University Washington College of Law has launched a new series of panel discussions examining trends, challenges, and opportunities in healthcare and the role of law and policy. In April, they hosted a webinar that explored health reform and the role of Medicaid in advancing health equity. [Watch the recording](#) .

Top Story

Kansas: ['The cancer lottery' meant this Kansas woman qualified for Medicaid, but not her mother](#)

HPPR News (05/02/2023) Samantha Horton

Story Highlights

Many uninsured people in Kansas are struggling to understand the complex policies that determine if they will be financially protected if they become ill. Around 17,000 Kansas residents are expected to be diagnosed with cancer this year, with the most common diagnoses being prostate, breast, and lung cancer.

Stephanie Barr was diagnosed with breast cancer, which made her qualified for Medicaid to cover her treatment. Patty Herrs, Barr's mother, did not qualify for Medicaid with a lung cancer diagnosis. Herrs was uninsured, so her family had to wait for her to receive treatment, which allowed the cancer to progress. She died eight days after her first chemo treatment.

The National Breast and Cervical Cancer Early Detection Program provides access to screening for uninsured adults. In Kansas, if breast or cervical cancer is detected through the federal program, then the patient can qualify for Medicaid. However, people diagnosed with other types of cancer remain without coverage.

Research has shown that in states that did not expand Medicaid, 5% more uninsured adults receive a cancer diagnosis than in states that expanded Medicaid. To qualify for Medicaid through the Early Detection Works program in Kansas, a person must make less than 250% of the federal poverty level, which is currently \$33,975 annually for an individual. The Republican leadership of the Kansas Legislature has repeatedly blocked Medicaid expansion, but research has found that people with continuous Medicaid coverage have better cancer treatment outcomes than those without insurance or those who receive insurance following a cancer diagnosis.

[Editor's Note: Learn more about the [National Breast and Cervical Cancer Early Detection Program](#).]

Briefly Noted

Florida: [Thousands of Floridians at risk of losing Medicaid](#)

Spectrum News 13 (05/02/2023) Nicole Griffin

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

Georgia: [Georgia to take over health insurance market under new law](#)

AP News (05/02/2023) Jeff Amy

[Editor's note: Learn more about [Senate Bill 65](#) .]

Kansas: [Kansas lawmakers override governor veto to pass anti-trans bathroom bill](#) 

The Washington Post (04/27/2023) Ben Brasch and Maham Javaid

[Editor's note: Learn more about [Senate Bill 180, Women's Bill of Rights](#)  . Learn more about the [public health needs of LGBT people](#).]

Maryland: [Without insurance, undocumented Marylanders are all but shut out of health care](#) 

The Baltimore Banner (05/01/2023) Sarah True

[Editor's note: Learn more about [health coverage and immigrant care](#)  .]

Minnesota: [Minnesota House passes paid family, medical leave bill](#) 

KSTP-TV (05/02/2023) Tom Hauser

[Editor's note: Learn more about [paid family and medical leave](#)  .]

Missouri: [Judge blocks Missouri rule that would limit transgender care](#) 

NBC News (05/02/2023) Associated Press

[Editor's note: Learn more about [patient-centered care for transgender people](#).]

New York: [5 million New Yorkers just got better healthcare](#) 

The New York Times (05/03/2023) James Barron

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

Pennsylvania: [Shapiro signs first bill, expands Pa. health insurance coverage for breast cancer screenings](#) 

Spotlight PA (05/01/2023) Stephen Caruso

[Editor's note: Learn more about [breast cancer screening](#).]



Washington: [Washington state to decriminalize drugs unless lawmakers act](#) 

ABC News (05/03/2023) Gene Johnson

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

Washington: [My Health, My Data Act signed into law in Washington state](#) 

MedPage Today (04/28/2023) Rachael Robertson

[Editor's note: Learn more about the [My Health, My Data Act](#)   .]

Global Public Health Law News

Australia: [Australia to ban recreational vaping in 'Big Tobacco' crackdown](#) 

Al Jazeera (05/02/2023)

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

Court Filings & Opinions

New York

The Supreme Court, Appellate Division, Third Department, New York, recently affirmed a Supreme Court decision granting a motion to dismiss a petition because no evidence was found that the petitioners exhausted all administrative remedies before taking the claim to court.

Leading to this appeals case, the petitioner's application for certification as a home care services agency in 2018 was denied by the Health Planning Council (the council) for failure to meet the charity care requirement. The petitioner requested a hearing following the certification denial and the Administrative Law Judge recommended approval of application. In 2021, the council rejected the recommendation and denied the application again, citing the failure to meet the charity care requirement plus other concerns like quality-of-care issues. The council offered the opportunity for petitioner to request a hearing on the additional grounds.

Petitioner argued (1) that they exhausted all administrative remedies by requesting a hearing following the first denial and received a final determination, and (2) that the council's second application denial was illegal because it was based on additional grounds than what was originally at issue. The court disagreed with these arguments. The council is allowed to reconsider determinations when new information is provided; therefore it is not illegal to offer additional administrative hearings first after learning new information to reconsider the determination before all remedies have been exhausted and a petition to the court can be made. The original hearing was not characterized as a final determination, allowing the petitioner to move to the courts. Therefore, the Supreme Court properly granted the motion to dismiss because the petitioners had failed to exhaust all available administrative remedies.

[Shining Star Home Care, LLC v. Zucker](#) 

Supreme Court, Appellate Division, Third Department, New York

No. 534553

Decided on April 13, 2023

Opinion by J. Reynolds Fitzgerald

Federal

The United States District Court for the Southern District of Mississippi, Southern Division, granted a preliminary injunction effective July 15, 2023, which will stop the enforcement of Mississippi's school compulsory vaccination law until the State provides a religious exemption while the case continues to be litigated.

The plaintiffs argued that Mississippi's mandatory vaccine statute, which requires students be vaccinated to attend public and private schools, violates their rights under the Free Exercise Clause of the First Amendment of the US Constitution. The plaintiffs requested an injunction to prohibit Mississippi from enforcing the vaccination law without providing the option for a religious exemption. The court found that the plaintiffs showed a likelihood of success on the merits of a facial challenge under the Free Exercise Clause because the Mississippi Religious Freedom Restoration Act (which addresses that if a person's religious exercise is burdened by state law, the person may receive protection and the option to assert a judicial claim) cannot be used to remedy facial free exercise defects by automatically creating religious exemptions any time one isn't present. Additionally, the court found that because the vaccination law considers secular exemptions like medical exemptions but not religious exemptions, this shows the State's interpretation of the law is not generally applicable and could burden sincerely held religious beliefs by requiring children to be vaccinated. Therefore, the court found the plaintiffs offered enough evidence to demonstrate the likelihood of success on the merits for the case and met the burden of persuasion for all elements of a preliminary injunction. Thus, the court granted the motion for a preliminary injunction while the case continues to be litigated.

[Bosarge v. Edney](#)  

United States District Court for the Southern District of Mississippi, Southern Division

Civil No. 1:22cv233-HSO-BWR

Decided on April 18, 2023

Opinion by Judge Halil Suleyman Ozerden

COVID-19 Court Filings & Opinions

Kansas

This case tests the scope of immunity provided by the Public Readiness and Emergency Preparedness (PREP) Act, a federal statute that protects those who administer pandemic countermeasures from liability. 42 U.S.C. § 247d-6d (Supp. 2020). Other than providing a federal cause of action "for death or serious physical injury proximately caused by willful misconduct," the Act immunizes "covered persons" from liability for any claim for loss that has a causal relationship with the administration of a "covered countermeasure." 42 U.S.C. § 247d-6d(a), (d).

[M.T. as next friend of M.K. v. Walmart Stores, Inc.](#)  

Court of Appeals of the State of Kansas

Nos. 125,151

Decided on April 28, 2023

Opinion by Cline, P.J., Isherwood, J., And Patrick D. McAnany, S.J.

Ohio

To avoid making decisions about policy that are best determined by the democratic process, courts reject cases that do not present a live controversy between the parties. This appeal presents such a circumstance. Four University of Cincinnati students asked the trial court to declare the University's COVID-19 pandemic policies invalid and to enjoin the University from enforcing them. But because they failed to establish an injury traceable to the challenged policies, the students lack standing to raise claims for declaratory and injunctive relief. In the absence of an active legal dispute between the students and the University, we uphold the trial court's dismissal of this case and decline the invitation to adjudicate matters of public policy.

[Lipp v. Univ. of Cincinnati](#)  

Court of Appeals, First Appellate District of Ohio, Hamilton County, Ohio

NO. C-220312

Decided on April 14, 2023

Opinion by J. Kinsley

Quote of the Month

"Having access to healthcare before you get diagnosed with a chronic illness can change people's lives. We have to do better for each other."

[Editor's Note: This quote is from the above article '[The cancer lottery' meant this Kansas woman qualified for Medicaid, but not her mother](#) , Samantha Horton, HPPR News (05/02/2023).]

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CDC's Public Health Law Program (PHLP) works to improve the health of the public by performing research, creating tools, and providing training to help practitioners understand and make law and policy decisions. Every month, PHLP publishes the *Public Health Law News* with announcements, legal tools, court opinions, job openings & more.

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