



Public Health Professionals Gateway

Public Health Law News

December 2023



Public Health Law Program

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

Subscribe to the Public Health Law News

Disclaimers

Dear Reader,

Writing CDC's Public Health Law News has been some of the most exciting and engaging work of my career. I began as a writer in 2010 and have been lucky enough to serve as the Editor in Chief of the News since 2014. As I embark on new ventures, I will be stepping down and Gavrielle Covault will be taking over as Editor in Chief as of December 2023.


Ms. Covault is enthusiastic and insightful, with a keen sense of emerging public health law issues and topics. She has been with the Office of Public Health Law Services for two years and was a Public Health Associate based in New York City before her tenure with us. I look forward to reading many future editions under her careful direction.

With sincere thanks,


F. Abigail Ferrell, JD, MPA

Announcements

Registration Open | 2024 Public Health Law Practitioners Convening


The National Association of County Health Officials in concert with CDC will host the 2024 Public Health Law Practitioners Convening **April 30–May 2** in **New Orleans**. The theme is “Empowering Public Health through Law and Policy.” The convening invites policy professionals, students, public health attorneys, and practitioners to share insights and strategies with colleagues in the field. Early-bird registration is open until **February 29**. [Learn more and register](#) .

Registration Open | 2024 Preparedness Summit




The 2024 Preparedness Summit will be held **March 25–28** in **Cleveland, Ohio**. The theme of the summit is “Public Health, Healthcare, and Emergency Management: Aligning to Address Cascading Challenges.” The summit aims to bring together attendees from all areas of practice including emergency management, academia, and government at the federal, state, and local levels. The early-bird rate ends on **January 31**. [Learn more and register](#) .

Tribal Announcements


Save the Date | 2024 International Indigenous Women’s Health Meeting

The International Indigenous Women’s Health Meeting will be held **March 13–15** in **Albuquerque**. The conference focuses on innovative obstetric and gynecologic clinical care models and community-based public health approaches for Indigenous women and families. During the conference participants will strengthen their knowledge about prevalent health problems facing Indigenous communities, learn promising strategies to improve wellness, and acquire practical skills. [Learn more](#) .


Resource | Curbing the Risk of Medical Debt Among American Indian and Alaskan Native (AI/AN) Communities

In American Indian and Alaskan Native (AI/AN) communities across the United States, the issues of healthcare access and affordability pose significant challenges. Despite the presence of federal programs such as IHS and provisions from the Affordable Care Act, AI/AN populations continue to experience the [highest uninsurance rates](#)  [\[PDF – 628 KB\]](#) . This new policy brief from Community Catalyst explores key drivers of medical debt that uniquely impact AI/AN communities and strategies to advocate for community-driven solutions. [Learn more and access the resource](#). .

Resource | Health Coverage Among American Indian and Alaska Native and Native Hawaiian and Other Pacific Islander People


AI/AN and Native Hawaiian and Other Pacific Islander (NHOPI) people have faced significant and longstanding disparities in health and healthcare, including high uninsured rates. Moreover, these groups face unique challenges in accessing healthcare, including geographic isolation, economic challenges, and limited access to culturally appropriate care. Given the importance of increasing understanding of experiences among these groups as part of advancing equity, this brief provides an overview of AI/AN and NHOPI people and their health coverage, as well as the implications for access to healthcare. [Learn more and access the resource](#). .

Webinar | Paths to Vaccine Equity: Mobile Vaccine Clinics


The National Council of Urban Indian Health is holding the final session of their Community of Learning series, “Paths to Vaccine Equity,” on **January 11** from **2:00–3:00 pm (EST)**. This session will share information and resources for implementing and operating mobile vaccine clinics to support urban American Indian/Alaska Native patients. Speakers from Denver Indian Health and Family Services and Native Health will discuss their experiences with mobile vaccine clinics and provide best practices to support fellow Urban Indian Organizations. [Learn more and register](#). .

Job Announcements

Senior Policy Analyst | Community Catalyst


Community Catalyst is hiring a senior policy analyst to provide leadership, strategic advice, policy analysis, and contribute to the creation of policy resources to translate information to health advocates, providers, and policymakers. The senior policy analyst supports issues related to health equity, with a particular focus on eliminating disparities faced by low-income populations, immigrant populations, and communities of color through power building, advocacy, teaching and learning. [Learn more and apply.](#) 

Program Associate, Center for Community Engagement in Health Innovation | Community Catalyst


Community Catalyst is hiring a program associate to provide crucial programmatic and administrative support to the Community Benefit and Economic Stability project and the Hospital Equity and Accountability Project—two projects of the Center for Community Engagement in Health Innovation. This position provides opportunities for developing subject matter expertise, participating in informative trainings/meetings, and engaging with community health leaders across the nation. [Learn more and apply.](#) 

Legal Tools & Trainings


Resource | Why Public Health Law Training Is Important

Education and training programs for public health practitioners—including Master of Public Health programs—may not adequately prepare practitioners to enter the workforce with knowledge of how the law can be used impact the public's health. Through a multi-year assessment conducted by ChangeLab Solutions, in partnership with CDC, this report presents key findings, identifies challenges and barriers, and offers opportunities and considerations to provide practitioners with basic knowledge of the law and its connection to social determinants of health. [Learn more and access the resource.](#) 


Resource | DC Public Health Emergency Law Manual

The DC Department of Health published the 2nd Edition of the District of Columbia Public Health Emergency Law Manual. This edition provides updates to the existing material in addition to several new chapters, including Emerging and Re-Emerging Infectious Diseases, Federal Control of Communicable Diseases, At-Risk Populations, and a glossary. [Learn more and access the resource.](#) 


Resource | A Compendium of State Policies to Curb Hospital Prices and Reduce Medical Debt

The United States is experiencing a growing and urgent medical debt crisis. While it is widespread, the impact of high prices and medical debt are disproportionately felt by Black and Latinx families, women, people without health insurance coverage, and people with low incomes. This State Policy Compendium project from Community Catalyst takes a cross-country view into how different states are using—or not using—policy levers at their disposal to slow price growth of healthcare services and reduce medical debt. [Learn more and access the resource.](#) 

Resource | State Abortion Laws: Protections and Restrictions

The National Conference of State Legislators updated their resource on abortion policy trends to represent the current landscape of abortion laws across the United States. Although laws have been changing rapidly since the Dobbs decision, this resource lists state statutes on common abortion policies. [Learn more and access the resource.](#) 

Resource | Freedom & the Common Good

ChangeLab Solutions published a public health authority legislative update that investigates how concepts of freedom and autonomy are used in conversations about governmental efforts to protect and improve people's health and community well-being. The resource highlights bills that reflect a shift toward concepts of freedom that affirm the individual liberties of all people by recognizing each person's interdependence with others and the systems in which individuals interact. [Learn more and access the resource.](#) 

Top Story

Bad River Reservation: [How the Bad River Tribe flipped the script on the Native American opioid crisis](#)

STAT (11/16/2023) Lev Facher

Story Highlights

Over the past year, the Bad River Band of Lake Superior Chippewa has rapidly scaled up its specialized harm reduction team. In 2023, roughly a dozen people died from drug overdose on a reservation of fewer than 2,000. The tribe has pivoted to harm reduction to provide hands-on public health interventions for people who use drugs.

Persisting through the legacy of trauma from boarding schools, attempts to expel or exterminate Native people, and heavy industry, many Ojibwe members view harm reduction as a fight for their people's existence. American Indian and Alaska Native people experience the highest rates of overdose deaths compared to any other racial or ethnic group—56.6 deaths per 100,000 people in 2021.

Rather than pushing for immediate abstinence or low-quality treatment, Bad River's harm reduction team focuses on the immediate goal of keeping their neighbors alive. The team builds community shelters, offers sterile syringes and pipes, distributes naloxone, and encourages clients to use test strips to detect fentanyl or xylazine. Harm reduction workers also chaperone community members who overdose through their emergency room visits to ensure they receive effective care.

Early evidence demonstrates that the approach appears to be working. The Bad River community reports reversing hundreds of overdoses in 2023, which includes 30 in September alone. These overdoses would have been fatal without intervention. From these experiences, Bad River's harm reduction team regularly travels throughout the state to share resources, medication, and lessons learned with other tribes. Their model of saving people without judgment may help save lives in Indigenous communities across the country.

[Editor's note: Learn more about [evidence-based strategies for preventing opioid overdose](#).]

Briefly Noted

National: [States sue Meta claiming its social platforms are addictive and harm children's mental health](#)

Associated Press (10/24/2023) Barbara Ortutay

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

National: [White House delays menthol cigarette ban, alarming anti-smoking advocates](#)

Associated Press (12/06/2023) Matthew Perrone

[Editor's note: Learn more about [menthol tobacco products](#).]

National: [Proposal to protect abortion patients' records faces pushback from Epic, UnitedHealth](#)

STAT (12/07/2023) Paul Webster

[Editor's note: Learn more about [abortion, data privacy, and law enforcement access](#) .]

Michigan: [Governor Whitmer signs bills protecting healthcare workers on the job](#)

State of Michigan, Office of the Governor (12/06/2023) Executive Office of the Governor

[Editor's note: Learn more about [workplace violence in healthcare settings](#) .]

Missouri: [Proposed law would require training on emergency opioid-blocking drug in Missouri's middle, high schools](#)

KYC (12/11/2023) Joe McLean

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

Nebraska: [Parents, trans youth and health professional voice concerns over 'Let Them Grow' regulations](#)

KETV (11/28/2023) Andrew Ozaki

[Editor's note: Learn more about [LGBTQ+ youth resources](#).]

New York: [Legislation signed to protect public health and combat opioid addiction](#) 

The Saratogian (12/11/2023)

[Editor's note: Learn more about [fentanyl test strips](#).]

Oklahoma: [Oklahoma behavioral care access is expanding with new laws in effect](#) 

KGOU (11/06/2023) Jillian Taylor

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

Oregon: [Will the plan to ban public drug use help revitalize Portland?](#) 

KOIN (12/11/2023) Elise Haas

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

Texas: [How Harris County's 'violence interruption' program is faring after its first year](#) 

Houston Chronicle (11/21/2023) Jen Rice

[Editor's note: Learn more about [hospital-based violence intervention programs \(HVIP\)](#) .]

Wyoming: [US Supreme Court will hear case involving healthcare and the Northern Arapaho Tribe](#) 

Wyoming Public Radio (12/08/2023) Hannah Habermann

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

Global Public Health Law News


Global: [New sickle cell therapies will be out of reach where they are needed most](#) 

NYT (12/08/2023) Rebecca Robbins and Stephanie Nolen

[Editor's note: Learn more about [sickle cell disease](#).]

South Africa: [South Africa is one step closer to universal healthcare. What you should know about the NHI and who will pay for it](#) 

IOL (12/08/2023) Lee Rondganger

[Editor's note: Learn more about [South Africa's NHI bill](#) .]

Court Filings & Opinions

Minnesota:

The Supreme Court of Minnesota affirmed the court of appeals in part, holding that patients do not have a private right of action under the Minnesota Health Care Bill of Rights for the late disclosure of health records; however, the Court also reversed in part, holding that a patient nevertheless has a private right of action under the Minnesota private attorney general statute to enforce the Minnesota Health Records Act.

The Minnesota Health Records Act requires healthcare providers to furnish a patient's medical records within 30 days of receiving a written request. Appellants in this case were all patients who submitted written requests for medical records which were not provided within the required time by their healthcare providers ("Respondents"). Appellants brought action under the Minnesota private attorney general statute as well as the Minnesota Health Care Bill of Rights. The district court granted Respondents motion to dismiss, arguing that patients do not have a private right of action under either authority. The court of appeals affirmed.

The Court, when holding that patients do not have a private right of action under the Minnesota Health Care Bill of Rights, explained that a cause of action is typically expressly granted in a statute and an express provision is missing from the Minnesota Health Care Bill of Rights. The Court did find, however, that patients have a private right of action to enforce the Minnesota Health Records Act pursuant to subdivision 3a of Minn. Stat. Section 8.31, which grants a private right of action to "any person injured by a violation of any of the laws referred to in subdivision 1." The Court decided that

the Minnesota Health Records Act was a law “respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade that the Attorney General may investigate and enforce” under the aforementioned subdivision 1 and therefore patients had the private right of action to enforce its requirements.

[Findling v. Grp. Health Plan, Inc.](#) 

Supreme Court of Minnesota

Case No. A21-1518, A21-1527, A21-1528, A21-1530

Filed December 6, 2023

Opinion by Justice Thissen

New York:

The Queens County Supreme Court granted Riverkeeper, Inc.’s petition seeking mandamus to compel the New York City Department of Environmental Protection (“DEP”) to notify the public of discharges of untreated sewage as required under the Sewage Pollution Right to Know Act (“SPRTKA”). The Court further ordered DEP to provide Petitioners with a list of combined sewer overflow (“CSO”) discharges that were not reported as required by SPRTKA. Lastly, the Court ordered Petitioners to move for summary judgment for their cause of action seeking declaratory relief.

The SPRTKA requires DEP to warn the public within four hours of discovery when significant rainfall in the area causes storm water to combine with raw sewage and overwhelm DEP’s water treatment capacity, resulting in CSO discharges into public bodies of water such as the East River. DEP claimed that their approach was consistent with SPRTKA because it only requires “public notification of discharges that may present a threat to the public health....” DEP stated that their notification process lets the public know when water quality isn’t suitable for recreation in the water, but not every time a CSO event has occurred because this requirement would lead to high cost and time required for compliance. The court found that the language in SPRTKA requires that DEP notify the general public “of discovery of any discharges of untreated sewage to surface water, no matter the volume.” The court stated that if DEP does not have real-time monitoring, then advisories must be provided to the public when “enough rain has fallen that combined sewer overflows may discharge.” Therefore, the court granted the petitioners mandamus to compel DEP to notify the public of sewer discharges in compliance with SPRTKA within 90 days, as well as to provide information related to CSO discharges that are known but weren’t reported through alerts or waterbody advisory websites from 2018 to June 21, 2023.

[Riverkeeper, Inc. v. New York City Dept of Env'tl Prot.](#) 

Supreme Court, Queens County, New York

Index No. 708684/2020

Decided November 24, 2023

Opinion by Justice Cheree A. Buggs

COVID-19 Court Filings & Opinions

Connecticut:

This case centers around the scope of the immunity afforded under state and federal law to health care facilities and health care professionals regarding allegations of conduct that occurred during the COVID-19 pandemic. On July 14, 2022, the plaintiff, Joyce Guytan, administrator of the estate of Lentine Scott, filed a fourteen count complaint against the defendants, Northbridge Health Care Center, Inc. (Northbridge Health Care Center), Athena Health Care Associates, Inc. (Athena Health Care Associates), Lisa Consiglio, RN, Rose Iannino-Renz, RN, Charissa Baskette, RN, Roldine Boah, RN, and Martha Moreiras, RN. The plaintiff brings forth claims sounding in ordinary negligence and gross negligence against each defendant and alleges the following facts in her complaint. The plaintiff's decedent and mother, Lentine Scott (decedent), received care at Athena Health Care Associates and Northbridge Health Care Center's facility (facility), on or about April 20, 2020, and for some time prior thereto.

[Guytan v. Northbridge Health Care Ctr., Inc.](#) 

Superior Court of Connecticut

Docket No. CV 22-6070692

Decided November 2, 2023

Memorandum of Decision by Justice Bellis

Wyoming:

Appellants Chester L. Bird, Ryan A. Brown, and Richard B. Dague filed suit against the State of Wyoming claiming a contract health care provider for the State of Wyoming at the Wyoming Medium Correctional Institution acted negligently when she injected Appellants with the Janssen COVID-19 vaccine because the consent forms Appellants signed only mentioned the Moderna and Pfizer COVID-19 vaccines. Despite Appellants' pending request to pursue limited discovery, the district court granted summary judgment in favor of the State finding the State had immunity. We find the federal Public Readiness and Emergency Preparedness Act shields the State from suit and liability and affirm the district court's decision.

[Bird v. State](#) 

Supreme Court of Wyoming


Case No. S-23-0011

Decided October 26, 2023

Opinion by Justice John G. Fenn

Quote of the Month

"I couldn't understand: How are we giving them crack pipes? I couldn't wrap my head around it.," [Lisa Whitebird] said. "But that was judgment on my part. Now, I understand that it's preventing them from taking that next step of using a needle. That, to me, is harm reduction."

[Editor's note: This quote is from the above article, [How the Bad River Tribe flipped the script on the Native American opioid crisis](#),  Lev Facher, STAT (11/16/2023).]

About *Public Health Law News*

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.

Subscribe!

[Subscribe to *Public Health Law News*](#) or [access past issues](#). To make comments or suggestions, send an email message to PHLawProgram@cdc.gov.

Disclaimers

Public Health Law News (the *News*) content is selected solely on the basis of newsworthiness and potential interest to readers. CDC and HHS assume no responsibility for the factual accuracy of the items presented from other sources. The selection, omission, or content of items does not imply any endorsement or other position taken by CDC or HHS. Opinions expressed by the original authors of items included in the *News*, persons quoted therein, or persons interviewed for the *News* are strictly their own and are in no way meant to represent the opinion or views of CDC or HHS. References to products, trade names, publications, news sources, and non-CDC websites are provided solely for informational purposes and do not imply endorsement by CDC or HHS. Legal cases are presented for educational purposes only, and are not meant to represent the current state of the law. The findings and conclusions reported in this document are those of the author(s) and do not necessarily represent the views of CDC or HHS. The *News* is in the public domain and may be freely forwarded and reproduced without permission. The original news sources and the *Public Health Law News* should be cited as sources. Readers should contact the cited news sources for the full text of the articles.