

Public Health Law

What is Public Health?

The Institute of Medicine (IOM) (1988, 19), report on the *Future of Public Health*, proposed one of the most influential contemporary definitions: “Public health is what we, as a society, do collectively to assure the conditions for people to be healthy.”

What is Public Health Law?

“The study of the legal powers and duties of the state to assure the conditions for people to be healthy and the limits on that power to constrain the autonomy, privacy, liberty, proprietary, or other legally protected interests of individuals for protection or promotion of community health.”
Lawrence O. Gostin, <http://www.publichealthlaw.net/Reader/toc.htm>

Five characteristics help distinguish public health law from the vast literature on law and medicine: (1) the role of *government* in advancing the public’s health; (2) the *population-based* perspective; (3) the *relationship* between the people and the state; (4) the *services* and scientific methodologies; and (5) the role of *coercion*.

Government interventions can be aimed at *individual* behaviors (education, tax incentives, civil/criminal penalties for behaviors); or aimed at regulating the agents of *behavior change* (safety standards for cars and toys); or aimed at *altering our environments* (advertising restraints, town planning, restaurant inspections).

Three branches of government affect public health law: *legislatures* create health policy and allocate resources; *executive agencies* implement and enforce public health laws; *courts* interpret law and resolve legal disputes.

Legal authority for public health rests on the police powers reserved to the states by the U.S. Constitution. Each state has a unique set of public health statutes which give state and local governments authority to exercise public health law.

Maine Statutory Duties of DHHS:

Introductory Duties of DHHS (Title 22, Chapter 1, §1):

- The department shall have the general supervision of the interests of health and life of the citizens of the State.
- It shall study the vital statistics of the State and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among people.
- It shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality and the effects of localities, employments, conditions, ingesta, habits and circumstances on the health of the people.
- It shall investigate the causes of disease occurring among the stock and domestic animals in the State and the methods of remedying the same.

- It shall gather such information in respect to all these matters as it may deem proper for diffusion among the people.
- It shall, when required or when it shall deem it best, advise officers of the government, or other boards within the State, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building.
- It shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the State.
- It shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health.
- It may direct any officer or employee of the department to assist in the study, suppression or prevention of disease in any part of the State.
- The department shall administer all state funds and appropriations for the aid of private institutions and agencies doing health and welfare work in the State.

Local Health Officers main duty is to report public health threats to DHHS. They are under the supervision of DHHS.

Voluntary National Accreditation Program

CDC, RWJ, APHA, ASTHO, NACCHO, NALBOH

Goal: Improve and protect the health of the public by advancing the quality and performance of state and local public health departments.

Applicants are the governmental entities that have the primary statutory or legal responsibility for public health in a state, a territory, a tribe or at the local level. There may be multiple entities that submit a joint application.

Uses the 10 EPHS as the framework for standards and measures.

Public Health Accreditation Board – newly-created, newly hired executive director

Under development: standards and metrics for state and local HDs, creation of an assessment process for individual applicants, beta testing.

First applications for accreditation will be accepted no later than 2011.

National Public Health Performance Standards Program (NPHPSP)

A collaborative effort to enhance the Nation's public health systems. CDC, APHA, ASTHO, NACCHO, NALBOH, NNPHI, and PHF all contributed to develop national performance standards for state and local ph systems.

There are 3 instruments:

State PH System Assessment Instrument, Local PH System Assessment Instrument, and Local PH Governance Assessment such as for governing boards of health