

Policy Surveillance and Public Health

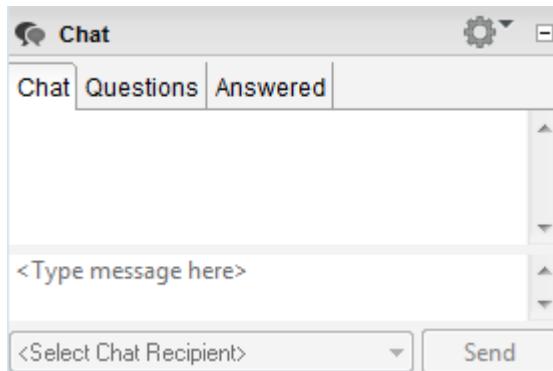
PRESENTED BY:

PUBLIC HEALTH LAW RESEARCH:
Making the Case for Laws that Improve Health



Technical Logistics

- All attendees are muted throughout the presentations
- Q&A will be held after all speakers have presented
- You may ask a question at any time by typing into the chat box



Presenters

- **Donna Levin, JD (Moderator)**
Director, Network for Public Health Law
- **David Presley, JD**
Policy Surveillance Manager, Public Health Law Research program
- **Matthew Penn, JD, MLIS**
Director, CDC Public Health Law Program
- **Jennifer Ibrahim, PhD**
Associate Director, Public Health Law Research program
Associate Professor, Temple University College of Public Health

Emerging Field of Policy Surveillance



The Journal of Law, Medicine and Ethics

Special Issue

2014 Public Health Law Conference: Intersection of
Law, Policy and Prevention

Spring 2015, Volume 43, Issue s1

Creating Legal Data for Public Health Monitoring and Evaluation: Delphi Standards for Policy Surveillance

David Presley, Esq.

Policy Surveillance Manager, Public Health Law Research National Program Office



Context

- The many benefits of bringing scientific theory and methods to legal and policy research
 - More useful products
 - Greater accessibility of law and policy to public health researchers and workforce
 - Better understanding of what works and why

Context

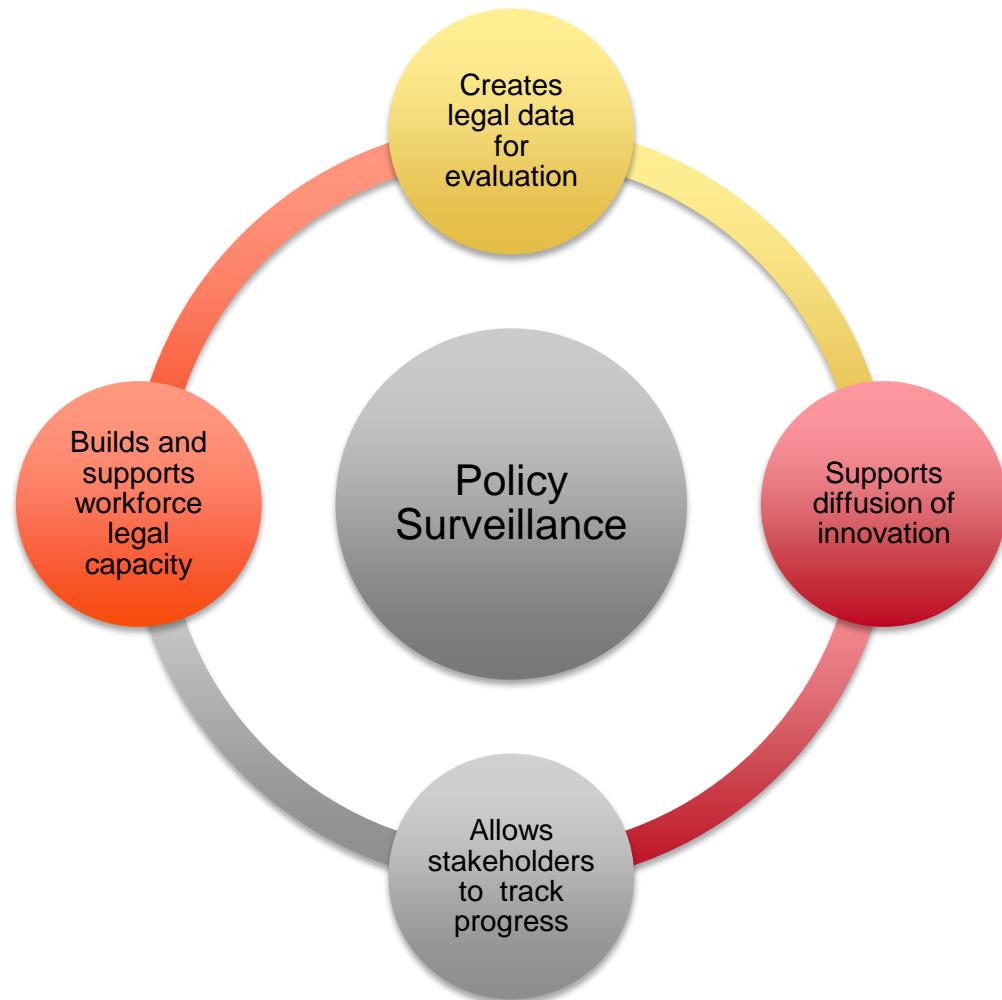


Legal
Epidemiology

The scientific study of law as a factor in the cause, distribution and prevention of illness and injury in a population.

Policy Surveillance

The systematic collection and analysis of laws of public health significance



Criteria for Surveillance

Centers for Disease Control and Prevention Policy Surveillance Report: Executive Summary

PUBLIC HEALTH LAW RESEARCH:
Making the Case for Laws that Improve Health



Public Health Law Research is a national program of the Robert Wood Johnson Foundation

1. Significance of the health problem targeted by the law or policy
2. Policy salience (i.e., the extent to which the legal intervention is underactive consideration by policy makers)
3. State of evidence the base (i.e., whether the intervention is innovative and requires evaluation, or is proven effective but still not widely adopted)
4. Whether the law is an identified national priority
5. Cost of conducting the policy surveillance

Delphi Process

- Delphi process – multi-round, web-based question and comment-based feedback process
 - Objectivity
 - Equal weight to all responses
- Purpose: Poll experts to determine technical standards for policy surveillance

Delphi Process

- Four main pieces of policy surveillance:
 - Defining elements of policy surveillance
 - Conceptualizing a legal dataset
 - Legal research process
 - Coding process
- Consensus on standards measured as mean agreement of 4 on a 5 point Likert scale

Results

- Consensus on 28 elements
- Strong consensus on the core elements of policy surveillance
 - Definition of scientific legal dataset
 - Standard features
 - Defining the scope/expert use
 - Quality control

Results

- Mixed results on defining more specific elements
 - Frequency of updating legal datasets range from as soon as laws take effect to once a year
 - Qualifications of content expert varied; needed sophisticated understanding of the topic, but didn't need to always be a lawyer

Discussion & Conclusion

- No “one-size-fits-all” approach; different projects require variation
- Resource concerns
 - Quality control and redundancy ideal, but may not always be feasible
 - Updating important, but resources and purpose of the dataset impact frequency



Acknowledgments & Disclaimer

- Research Team
 - David Presley, Thomas Reinstein, Damika Webb-Barr, Scott Burris
- Delphi Panel
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www.LawAtlas.org

Lindsay.Foster@temple.edu

LawAtlas

The Policy Surveillance Portal



Does your state give nurse practitioners the authority to prescribe medication?

LawAtlas is the central, authoritative place for systematically collecting, measuring and displaying laws.

LawAtlas is a tool designed to help policy-makers, advocates and researchers understand what the laws are on a given topic, know how the laws differ over time and across jurisdictions, and evaluate their impact.

Explore the Law
Access maps, tables and reports.
[Choose a topic](#)

Data
Download data, codebooks and protocols.
[Go to Data page](#)

Featured Datasets

	Medical Marijuana Laws for Patients The U.S. federal government has not endorsed the medical benefits of marijuana, and the	Naloxone Overdose Prevention Laws Unintentional drug overdose is now considered to be a leading cause of
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Public Health Law and Policy Surveillance at CDC

Matthew S. Penn, JD, MILS

Director

Public Health Law Program

Office for State, Tribal, Local and Territorial Support
Centers for Disease Control and Prevention

Public Health Law and Policy Surveillance

May 6, 2015



Centers for Disease Control and Prevention

Office for State, Tribal, Local and Territorial Support

PHLP's Research Initiative

- Goal: to create rigorous, systematic, accessible evidence of the impact of law and policy on public health using nationally accepted methodologies.
- PHLP's Role: Providing legal epidemiology support, legal guidance, and research innovation to programs and partners developing the evidence base for public health improvements
 - Legal epidemiology: the scientific study of law as a factor in the cause, distribution, and prevention of illness and injury in a population.

Legal Epi Framework

- Legal etiology:
 - the study of laws and legal practices as causes of disease and disease risk
- Legal prevention and control:
 - the study and application of laws and legal practices as interventions to prevent and control disease and injury, and as enablers of public health administration
- Policy surveillance:
 - the scientific collection and analysis of policies important to health

PHLP-RI's Research Activities

- Legal Epidemiology
 - Legal Mapping
 - Legal profiles
 - Legal assessments
 - Policy surveillance
 - Environmental scanning
 - Legal Evaluation
 - Qualitative evaluations
 - Associational studies
 - Longitudinal datasets
- Legal Guidance for Research
 - Legal memoranda
 - Literature reviews
 - Resource navigation
 - Peer review
- Research Innovation
 - Methodology reviews
 - Logic Modeling for Law and Policy
 - Funding
 - Translation

PHLP-RI's Research Activities

Policy Surveillance in Context

- Legal Epidemiology
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Draft Operational Definitions: Legal Guidance for Research

- Legal Memoranda
 - The analysis of a single legal issue important to health.
 - E.g., peer review, home rule, and case briefs.
- Literature Review
 - The organized collection of informational sources important to health.
 - E.g., research anthologies
- Resource Navigation
 - A summary of open sources to address a query important to health.
 - E.g., web request emails
- Peer Review
 - The assistance of partners and publications with the production of public health law articles, reports, and other materials.
 - E.g., manuscript review and editing

Draft Operational Definitions: Research Innovation

- Methodology Reviews
 - The appraisal of research materials for adherence to current nationally accepted public health law research methods.
 - E.g., ADHD legal evaluation methodology review
- Logic Modeling for Law and Policy
 - The assistance of partners with the production of logic models including law and policy, with appropriate inputs, intermediaries, and outcomes.
- Funding
 - The assistance of partners with the allocation of extramural funding for legal epidemiology activities.
- Translation
 - The creation of tools that describe and portray legal findings for a specific audience.

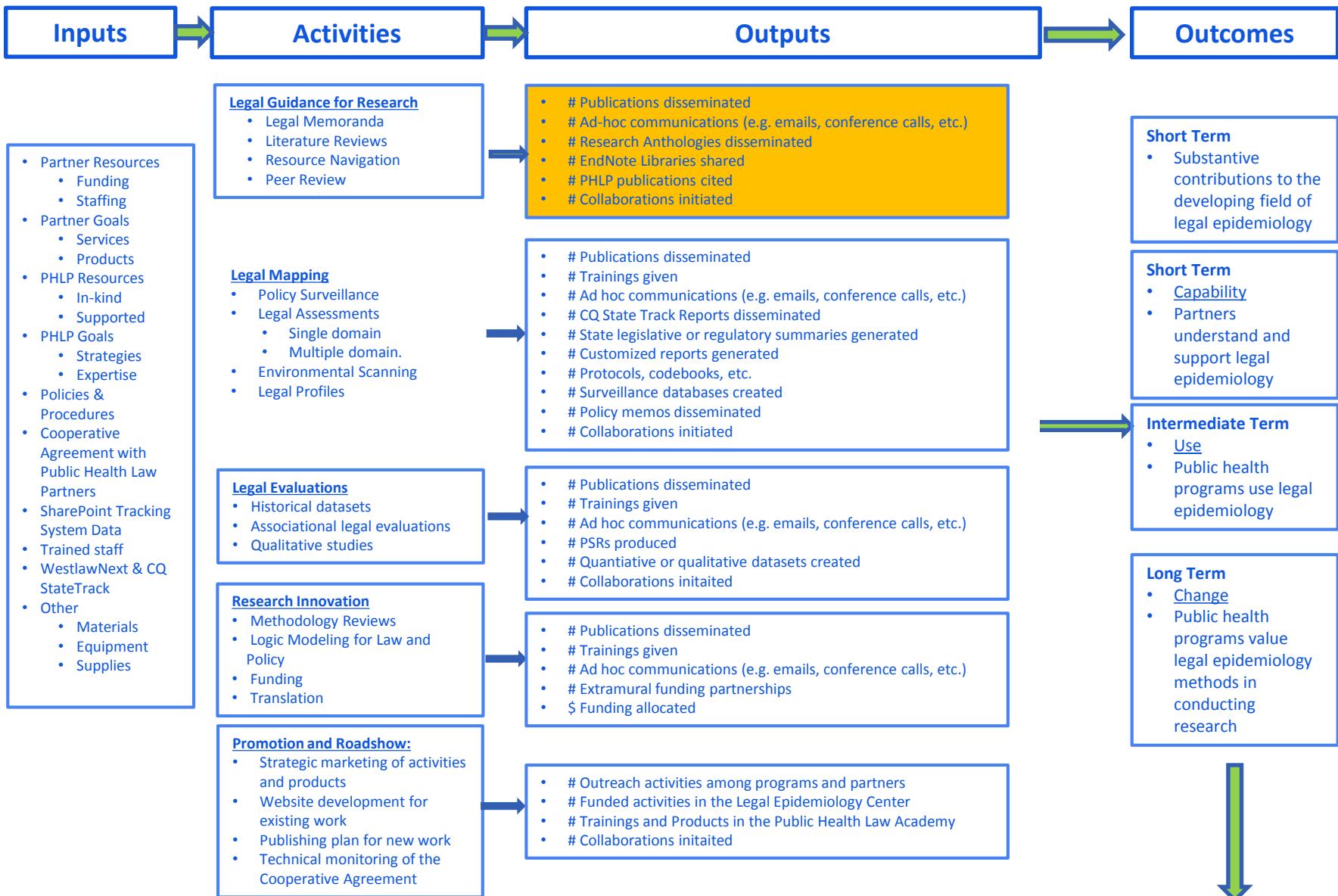
Draft Operational Definitions: Legal Mapping

- Legal profiles
 - The collection and analysis of laws important to health from a single jurisdiction
 - Deliverables: OSTLTS state profiles
- Environmental scanning
 - The collection and analysis of laws important to health across jurisdictions
 - E.g., ACOs, labs, preemption, APAs, sodium
- Legal assessments
 - The cross-sectional, scientific collection, coding, and analysis of laws important to health across jurisdictions – single and multi-domain
 - Deliverables: protocols, code books, publications, and presentations
- Policy surveillance
 - The longitudinal, scientific collection, coding, and analysis of laws important to health across jurisdictions
 - Deliverables: CQ StateTrack reports, customized reports, LawAtlas maps
 - E.g., pain management clinics

Draft Operational Definitions: Legal Evaluation

- Longitudinal datasets
 - The scientific study of legal provisions important to health over time
 - E.g., pharmacist vaccination laws, HAI
- Associational studies
 - The scientific study of the relationship between legal data and public health data
 - E.g., particulate matter, PDO, HAI
- Qualitative studies
 - The investigation of the relationship between legal data and governmental functions, health outcomes, or cost outcomes through qualitative interviews
 - Can be used as evidence for impact or implementation studies
 - E.g., HAI, EHRs during outbreak scenarios

PHLP Research Initiative Logic Model



PHLP-RI Goal: to create and support rigorous systematic, accessible evidence of the impact of law and policy on public health using nationally accepted methodologies.

PHLP DRAFT- DO NOT

DISTRIBUTE 3/16/15

Public Health Law Program Cooperative Agreement

- PHLP has a cooperative agreement with ChangeLab Solutions, part of which focuses on legal epi work.
 - Public Health Law Research at Temple has subcontracted under co ag.
- Areas of focus:
 - Further refining standards for policy surveillance.
 - Exploring the translation of legal epi and policy surveillance work.
 - Developing workforce development materials.
 - Creating the evidence base for a public health law research agenda.
 - Further developing the platform for national policy surveillance data.
 - Promoting policy surveillance skills and methodologies among practitioners.

Public Health Law Program

2015 Plans

- Ongoing research:
 - Legal analyses (legal guidance, assessments, evaluations)
 - Presentations and publications
 - Support to programs and partners through: trainings in methodology; translation and dissemination of methodology; and review of documents and protocols
 - Dissemination of examples from the field and funding of partners
- Promotional work:
 - Website development and dissemination plans
 - PHLP-RI Roadshow
 - Legal Epidemiology Center and Public Health Law Academy trainings

Matthew S. Penn, JD, MLIS
Director,
Public Health Law Program
Office for State, Tribal, Local and Territorial Support
Centers for Disease Control and Prevention

mpenn@cdc.gov

www.CDC.gov/phlp



Centers for Disease Control and Prevention

Office for State, Tribal, Local and Territorial Support

A Different Take on Policy Surveillance: Policy Inventory in Nebraska

Jennifer Ibrahim, PhD, MPH

Associate Director, Public Health Law Research National Program Office
Associate Professor, Department of Public Health, Temple University

David Presley, JD

Policy Surveillance Manager, Public Health Law Research National Program Office





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Department of Health & Human Services



Accessing the Law?



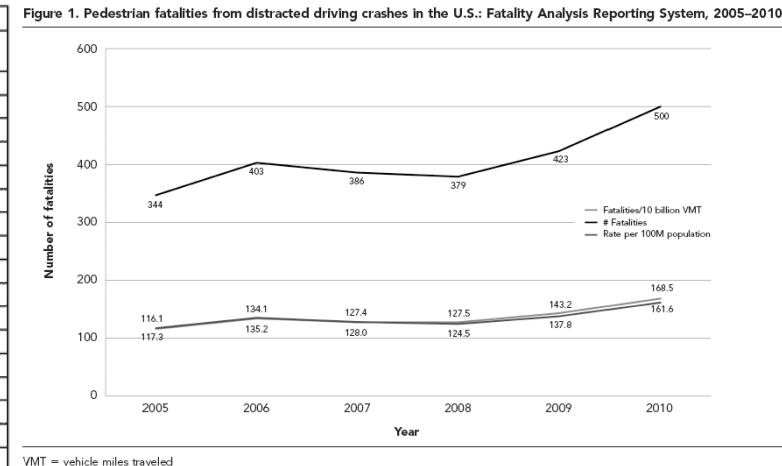
Using the law



Need for Legal Datasets

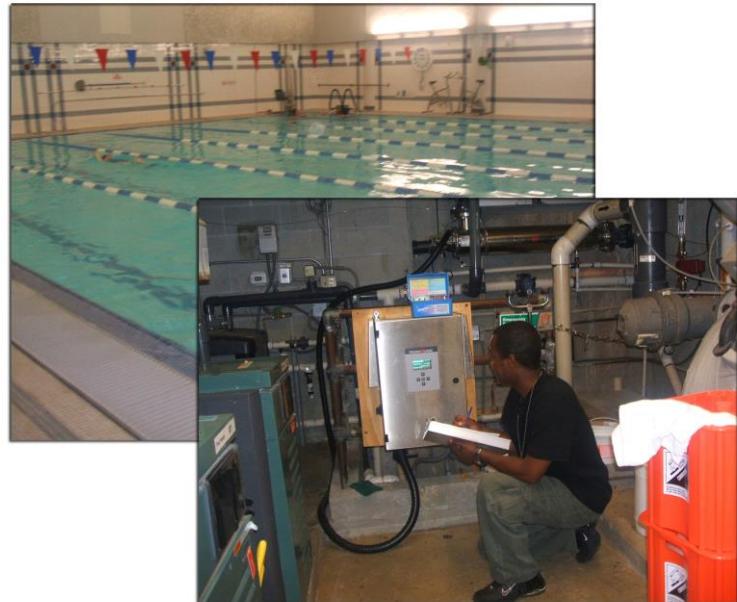
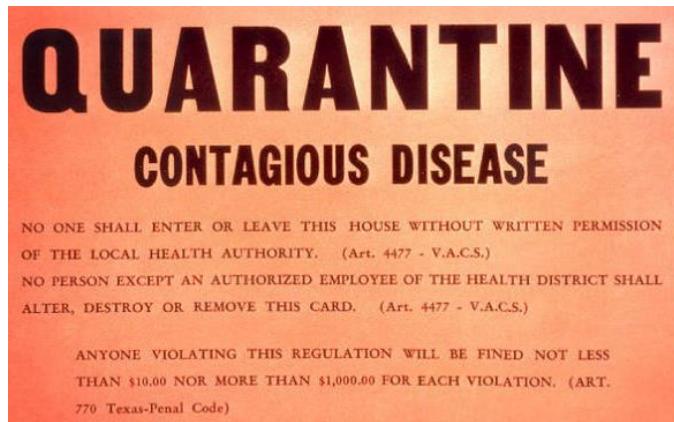
- Policy surveillance
 - Tracking laws over time
 - Tracking laws across jurisdictions
 - Examining legal provisions in a particular topic area

Distracted Driving Laws By State								
State	Texting	Cell Phones	State	Texting	Cell Phones	State	Texting	Cell Phones
AL	x	x	KY	x	x	ND	x	
AK	x		LA	x	x	OH	x	
AZ		x	ME	x	x	OK	x	x
AR	x		MD	x	x	OR	x	x
CA	x	x	MA	x	x	PA		
CO	x	x	MI	x		RI	x	x
CT	x	x	MN	x	x	SC		
DE	x	x	MS	x		SD		
DC	x	x	MO	x		TN	x	x
FL			MT			TX	x	x
GA	x	x	NE	x	x	UT	x	x
HI			NV	x		VT	x	x
ID			NH	x	x	VA	x	x
IL	x	x	NJ	x	x	WA	x	x
IN	x	x	NM		x	WV	x	x
IA	x	x	NY	x	x	WI	x	
KS	x	x	NC	x	x	WY	x	



Need for Information on Law

- Policy Inventory
 - What does the law say?
 - How does the law impact my authority to act?





Difference in Methods

- Scope of Laws
 - Everything in state and local law
 - Not just topic specific
- Data Collection
 - Nebraska team collected laws
 - Temple team verifies

Neb. Rev. Stat. § 71-5716 Act, how cited.

Sections 71-5716 to 71-5734 shall be known and may be cited as the Nebraska Clean Indoor Air Act.

Neb. Rev. Stat. § 71-5717 Purpose of act.

The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment. The act shall not be construed to prohibit or otherwise restrict smoking in outdoor areas. The act shall not be construed to permit smoking where it is prohibited or otherwise restricted by other applicable law, ordinance, or resolution. The act shall be liberally construed to further its purpose.

Neb. Rev. Stat. § 71-5718 Definitions, where found.

For purposes of the Nebraska Clean Indoor Air Act, the definitions found in sections 71-5719 to 71-5728 apply.

Neb. Rev. Stat. § 71-5719 Employed, defined.

Employed means hired, contracted, subcontracted, or otherwise engaged to furnish goods or services.

Neb. Rev. Stat. § 71-5720 Employee, defined.

Employee means a person who is employed by an employer in consideration for direct or indirect monetary wages, profit, or other remuneration.

Neb. Rev. Stat. § 71-5721 Employer, defined.

Employer means a person, nonprofit entity, sole proprietorship, partnership, joint venture, corporation, limited partnership, limited liability company, cooperative, firm, trust, association, organization, or other business entity, including retail establishments where goods or services are sold, who or which employs one or more employees.



Difference in Methods

- Defining questions
 - generalizability
- Data Coding in *Workbench* on LawAtlas.org

Where is smoking prohibited under the Nebraska Clean Indoor Air Act? clear

Place of employment
 Public place
 Child care program
 Outdoor areas

i

What is a place of employment restricted by the Nebraska Clean Indoor Air Act? clear

An indoor area under the control of a proprietor that an employee accesses as part of his or her employment without regard to whether the employee is present or work is occurring at any given time

i

2 child question(s) ▾

What is a public place restricted by the Nebraska Clean Indoor Air Act? clear

An indoor area to which the public is invited or in which the public is permitted, whether or not the public is always invited or permitted

i

2 child question(s) ▾

Bodies of Law Covered

- Alcohol, Tobacco & Other Drugs
- Chronic Disease & Injury
- Environmental Health
- Foodborne Illness
- Structure & Governance
- Health Professions & Licensure
- Disasters & Emergencies
- Maternal Health, Children & Families
- Nutrition & Physical Activity
- Vital Statistics
- Mental & Behavioral Health
- Seniors & Aging
- Disabilities

NEBRASKA'S LAWATLAS SYSTEM

LawAtlas

The Policy Surveillance Portal

[Home](#) / [Nebraska Public Health Laws](#)

Nebraska Public Health Laws

The Nebraska Department of Health and Human Services (NE DHHS) provides public health services to Nebraskans and promotes public health by implementing laws and regulations that address health issues, track health outcomes, and certify and license health professionals.

This section of LawAtlas tracks laws and regulations that relate to NE DHHS's core mission. Below are links to pages that provide contextual information and texts of relevant laws and regulations on key functions of the NE DHHS. Select one of these options below for more information on the specific topic area and to access the surveillance of key public health laws and regulations.

- [Alcohol, Tobacco, and Other Drugs](#)
- [Chronic Disease and Injury](#)
- [Disabilities](#)
- [Disasters and Emergencies](#)
- [Environmental Health](#)
- [Foodborne Illnesses](#)
- [Health Professions Licensure](#)
- [Maternal Health, Children, and Families](#)
- [Mental and Behavioral Health](#)
- [Seniors and Aging](#)
- [Structure and Governance](#)
- [Vital Statistics](#)

Department of Health & Human Services



Available at:

www.lawatlas.org/nebraska

Local Level Laws

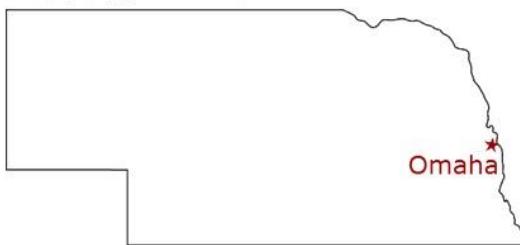
LawAtlas

The Policy Surveillance Portal

Home / Interactive Map

Nebraska Local Laws: Animal Control - Beekeeping and Apiaries

This page provides information on laws and regulations governing permit requirements for beekeeping in Omaha. This page has been updated through May 1, 2015 to include laws currently in effect. To explore variation in these laws click the "Start Here" button below or see the table for a default query displaying information on this topic.



Omaha population (est. 2013): 434,353
Douglas County population (est. 2013): 537,256
(approximately 1/4th of Nebraska's population)
Douglas County total area: 339 sq. mi.

Data Codebook Protocol

view table share results

Start here

Nebraska

1 Jurisdiction Found

Nebraska
Omaha

03/01/2015 - 03/31/2015

View Law

Does the jurisdiction have laws regulating bee hives?

Yes

\$

Must an individual have a bee hive permit?

Yes

Who issues a bee hive permit?

County health department

\$

LawAtlas

The Policy Surveillance Portal

Home / Interactive Map

Nebraska: Professional Licenses - Physicians

This page provides information on Nebraska's laws and regulations addressing the licensure and functions of physicians. Physicians licensed in Nebraska are health professionals who prevent, diagnose, and treat human illness and impairments through the practice of medicine. This page has been updated through October 1, 2014 to include laws currently in effect. To explore variation in these laws click the "Start Here" button below or see the table for a default query displaying information on this topic.

Data Codebook Protocol

view table

share results

Start here

Nebraska

1 Jurisdiction Found

Nebraska

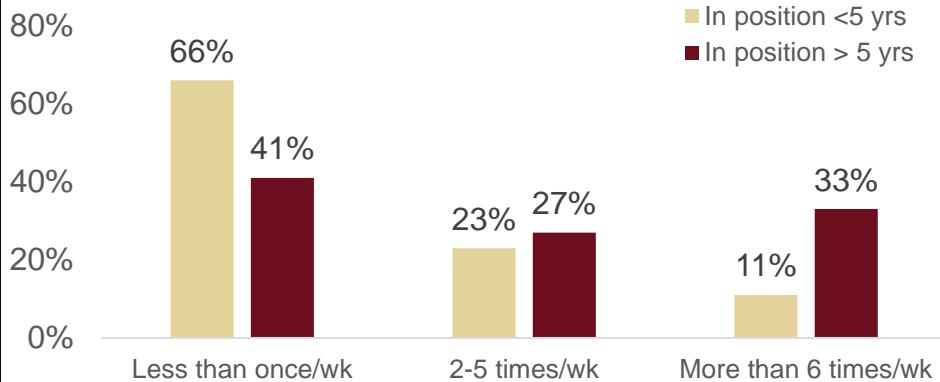
12/21/2013 - 10/01/2014

View Law

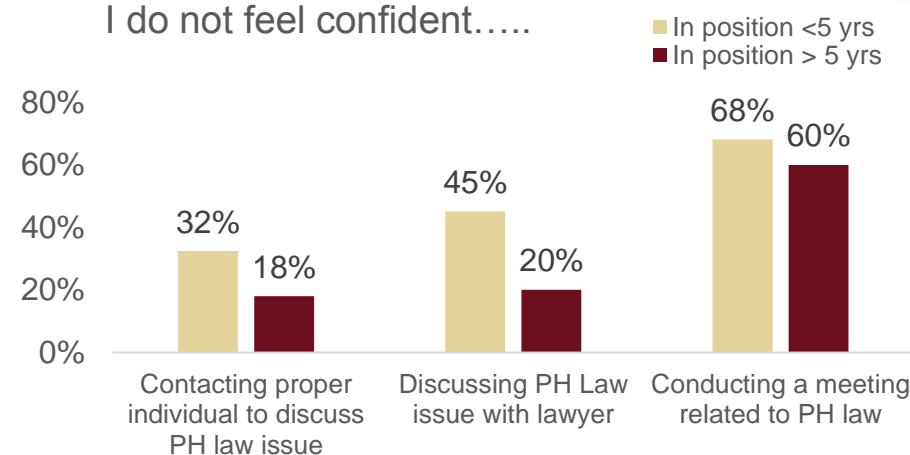
What are the requirements to issue a license by examination for a physician?	Receive a doctorate degree related to that profession Pass one or more professional exams Complete a residency or other supervised training program Have good moral character Completed application U.S. citizenship or legal resident \$
→ Does Nebraska allow for reciprocity with other jurisdictions?	Yes \$
→ What is the minimum age required to be licensed in this profession?	19 \$
Who is exempt from the license requirements of this profession?	Students Clergy members performing ministerial duties Individuals acting in emergency situations State, local, or federal employees performing official duties Individuals licensed in other jurisdictions \$
How long is a license valid?	Two years \$

Workforce Assessment of Public Health Law

How often do you think about public health law?



I do not feel confident.....



- How to find PH laws? Respondents looked up the law themselves (29%), used Google (51%), used the Department of Health website (40%) or the state legislative website (60%).
- Requests for additional resources include: online directory of laws (84%), in-person workshops (89%) or live webinars (85%) and an online certificate program in public health law (74%)

Evaluation of PH Law

- Integration of legal dataset with existing surveillance data within the health department
 - Clean indoor air laws with data on secondhand smoke exposure and infractions of the law



PHLR

PUBLIC HEALTH LAW RESEARCH

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Thank you

Jennifer Ibrahim, PhD, MPH

Associate Director

Public Health Law Research National Program Office

Associate Professor

Department of Public Health, Temple University

jibrahim@temple.edu

215-204-9657



Q&A

USE THE CHAT BOX TO SUBMIT YOUR
QUESTIONS