

# **An Interactive Conversation About the Role of Legal Counsel in Emergency Response, Enforcement, and Health Equity**

October 25, 2023

Public Health Law Conference

# Agenda



Introductions



Lessons from COVID-19



Public Health Enforcement



Advancing Health Equity



Final Thoughts & Questions

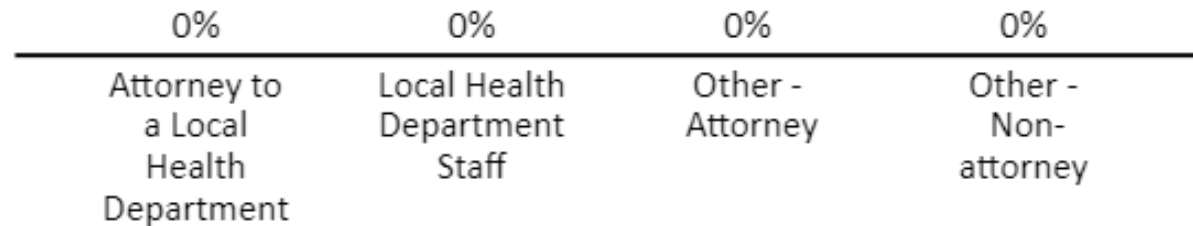


This presentation is for informational purposes only. It is not intended as a legal position or advice from the presenters or their employers.

For legal advice, attendees should consult with their own counsel.

Join at [menti.com](https://menti.com) use code 8417 1935

# What is your role?



# INTRODUCTIONS

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# Speakers

- Moderator
  - Colleen Healy Boufides, Network for Public Health Law
- Panel
  - Marie-Claire Brown, District of Columbia Department of Health
  - Pamela Smith, Nassau County, NY, Department of Health
  - Geoff Mwaungulu, National Association of County and City Health Officials

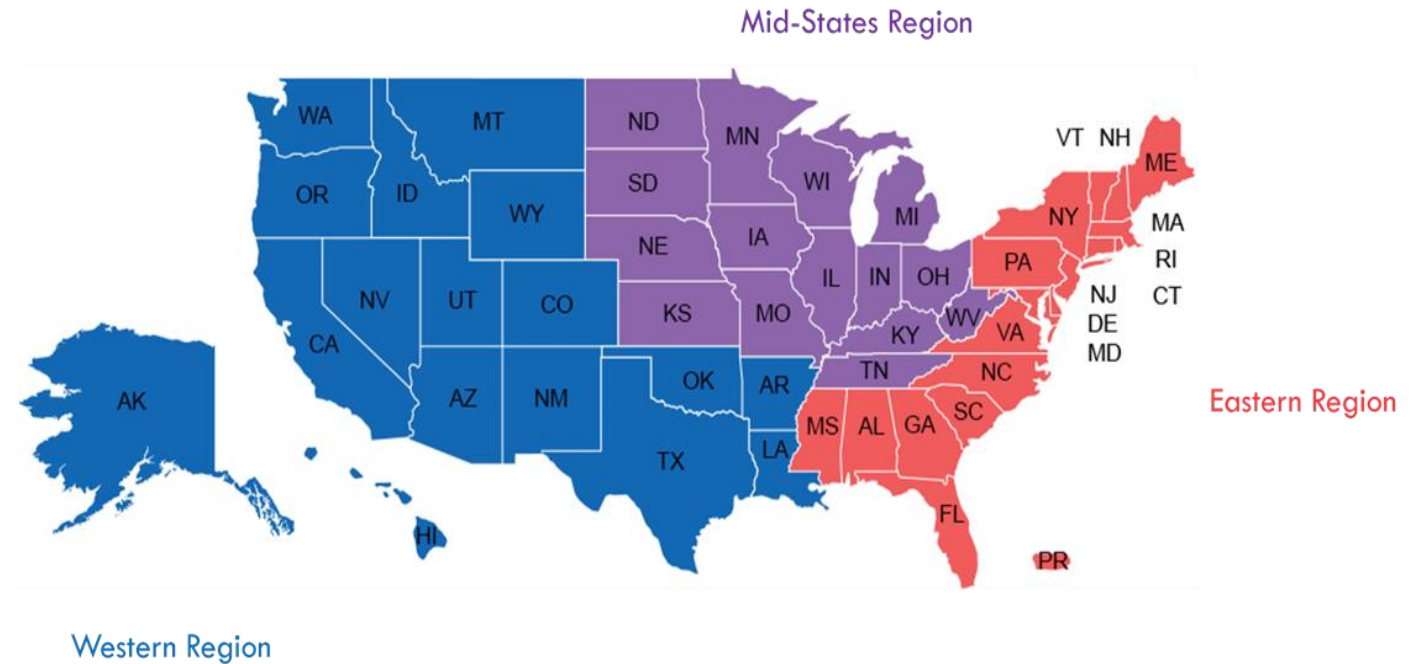
**Colleen Healy Boufides, JD**  
Co-Director, Mid-States Region  
Network for Public Health Law  
[cboufides@networkforphl.org](mailto:cboufides@networkforphl.org)



# The Network for Public Health Law

Contact the Network to:

- Get practical legal assistance on a variety of public health topics
- Find helpful resources from webinars and trainings to fact sheets and legal briefs
- Connect with a community of experts and users of public health law





**Marie-Claire Brown, JD, MA**  
Senior Assistant General Counsel  
Health Emergency Preparedness & Response  
District of Columbia Department of Health  
[marie-claire.brown@dc.gov](mailto:marie-claire.brown@dc.gov)



# The District of Columbia at-a-Glance

- 671,803 night-time residents in 8 Wards
  - 40.5% non-Hispanic White; 11.3% Hispanic or Latino; 4.1% Asian; 44.7% Black
- Median household income of \$93,547
- 13.3% of District residents fall below poverty level
- 61.4% of residents have a bachelor's degree
- Additional data found at <https://opdatahub.dc.gov/>

## Dual Role of Department of Health Office of the General Counsel

State Function / Local Function

## STATE

- Legislation & Rules
- Emergency Preparedness & Response
- State Health Planning & Development
- Immunization and Disease Registry
- EMS/Prehospital System
- Epidemiology/Disease Surveillance
- Equity
- Health Professional Licensure & Discipline
- Healthcare Facilities
- Vital Records Registry
- Pharmacy Control
- MOST/POLST
- Grants/Cooperative Agreements

## LOCAL

- Regulatory Compliance & Enforcement
  - Food Safety
  - Radiation
  - Swimming Pools
  - Animal Safety
  - Community Hygiene
  - Public Health Nuisance
  - Inspections
  - Fines & Fees
  - Hearings

## OGC Role

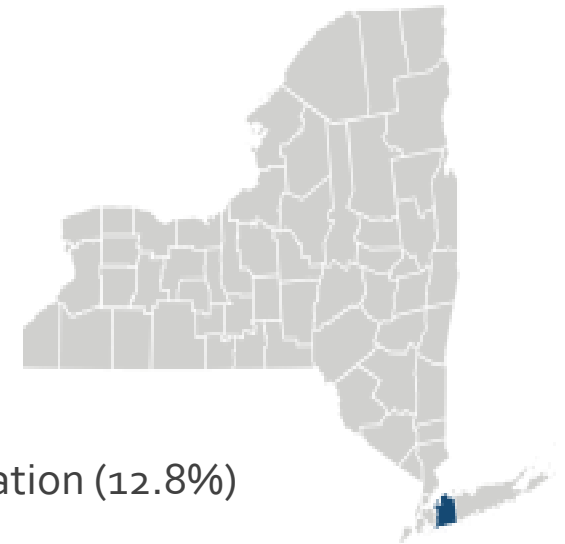
- Advise on Operational and Administrative Matters
- Draft Legislation and Regulations
- Draft MOUs, MOAs, Policy & Guidance
- Legal Sufficiency Reviews
- Advise Boards and Committees
- Draft Administrative Orders
- Negotiate Disciplinary Settlement Agreements
- Freedom of Information Act Requests
- Privacy & Security Issues
- Data Use Agreements
- Ethics
- Training

**Pamela Smith, JD, MPH**  
Deputy Director, Office of Public Health Legal Affairs  
Nassau County Department of Health  
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# Snapshot of Nassau County, NY

- 1,395,774 residents
  - 56% non-Hispanic White; 18% Hispanic or Latino; 12% Asian; 11% Black
- Median household income of \$120,036
- 5.4% of Nassau residents fall below poverty level
  - This estimate is lower compared to both for New York State (13.6%) and the nation (12.8%)
- 91.6% of Nassau residents above age of 25 have HS degree or GED
- 46.7% of residents have a bachelor's degree
- Based on its health factors, including socioeconomic determinants, health behaviors, clinical care, and physical environment, Nassau County was ranked 1st in New York State by the 2022 Wisconsin County Health Ranking

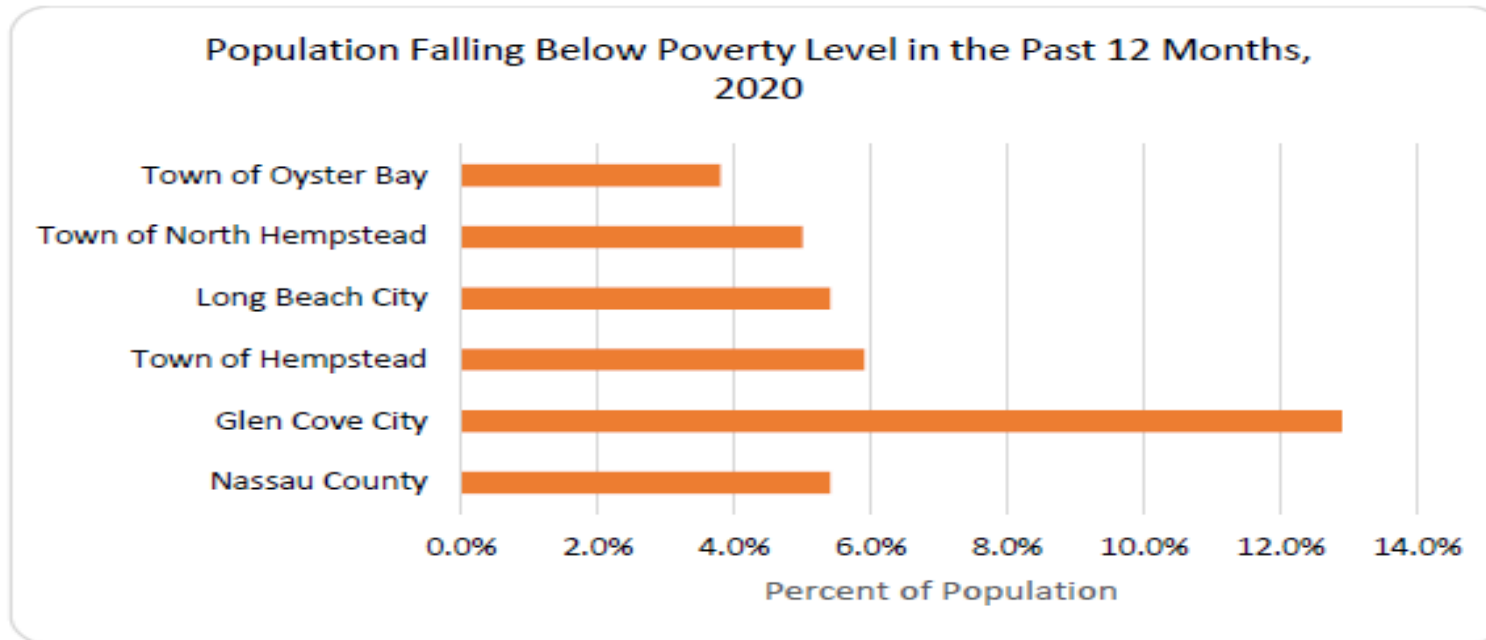


Map retrieved on 9/19/2023 from:  
<https://www.ny.gov/counties>

Source:  
[https://www.nassaucountyny.gov/DocumentCenter/View/39512/Nassau-County-Department-of-Health-Community-Health-Assessment-and-Improvement-Plan-2022\\_2024\\_Final](https://www.nassaucountyny.gov/DocumentCenter/View/39512/Nassau-County-Department-of-Health-Community-Health-Assessment-and-Improvement-Plan-2022_2024_Final)



However, Nassau has populations with higher disease morbidity and mortality. This can be true for minority populations. In some cases, the affluence of Nassau County masks the needs of the underserved.



Source: [https://www.nassaucountyny.gov/DocumentCenter/View/39512/Nassau-County-Department-of-Health-Community-Health-Assessment-and-Improvement-Plan-2022\\_2024\\_Final](https://www.nassaucountyny.gov/DocumentCenter/View/39512/Nassau-County-Department-of-Health-Community-Health-Assessment-and-Improvement-Plan-2022_2024_Final)

# Nassau County DOH

- Offices

- Public Health Legal Affairs
- Communications
- Health Equity
- Epidemiology/Biostatistics

- Divisions

- Public Health Emergency Preparedness
- Communicable Disease
- Environmental Health
  - food; tobacco/vapor; recreational fac.; lead; rabies; petroleum bulk storage; engineering/water supply
- Maternal Child Health Services
- Community Outreach
- Lab

# Role of Office of Public Health Legal Affairs

- Serve as house counsel to our LHD
- Subpoenas and FOILs
- Enhanced confidentiality training
- Introduce the concept of cultural competency/cultural humility
- Prepare Commissioner's Orders/Orders for Action
- Prepare department-wide policies
- MOUs
- Review/analyze proposed legislation on local and state level

**Geoff Mwaungulu, JD, MPH**  
Director, Public Health Law and Policy  
NACCHO  
[gmwaungulu@naccho.org](mailto:gmwaungulu@naccho.org)



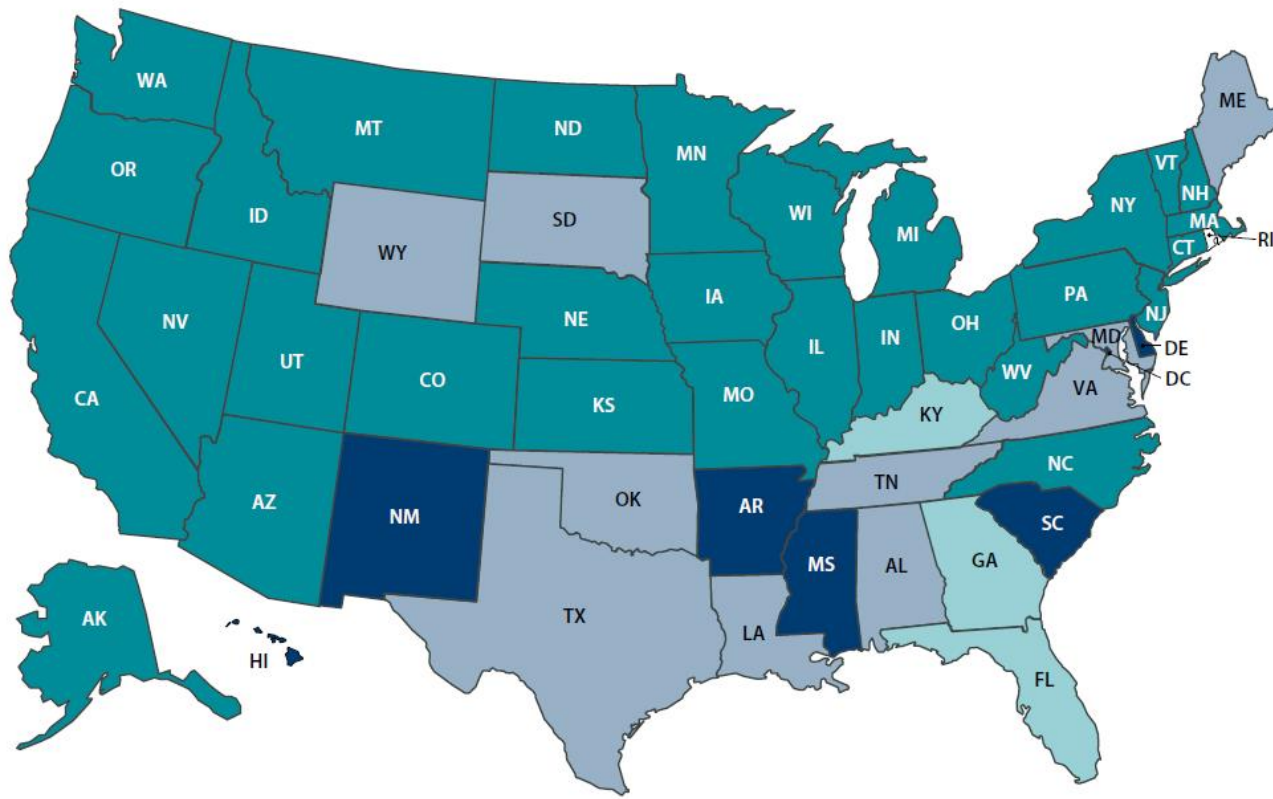
## Who is NACCHO?

The National Association of County and City Health Officials (NACCHO) is comprised of nearly **3,000 local health departments** across the United States.

Our mission is to serve as a **leader, partner, catalyst,** and **voice** with local health departments.

**Figure 2.4 |** Type of LHD governance, by state

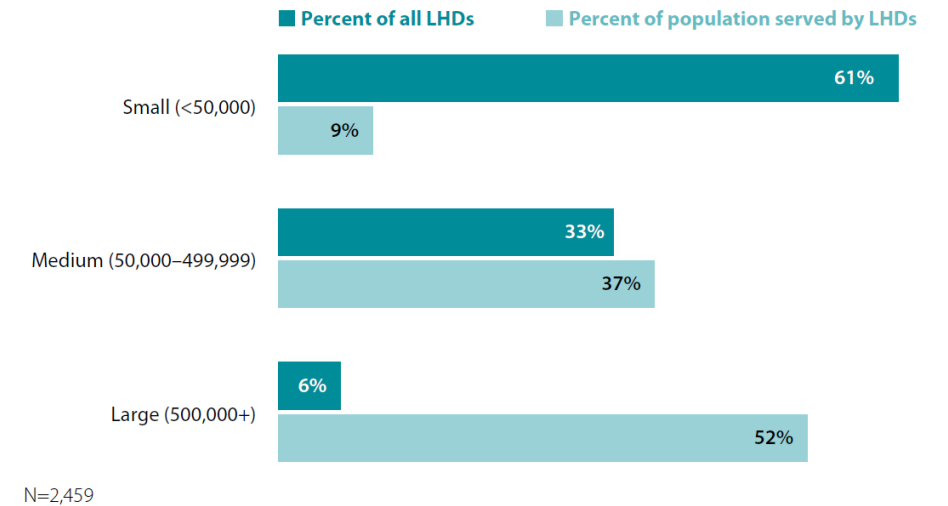
- Local (all LHDs in state are units of local government)
- State (all LHDs in state are units of state government)
- Shared (all LHDs in state governed by both state and local authorities)
- Mixed (LHDs in state have more than one governance type)



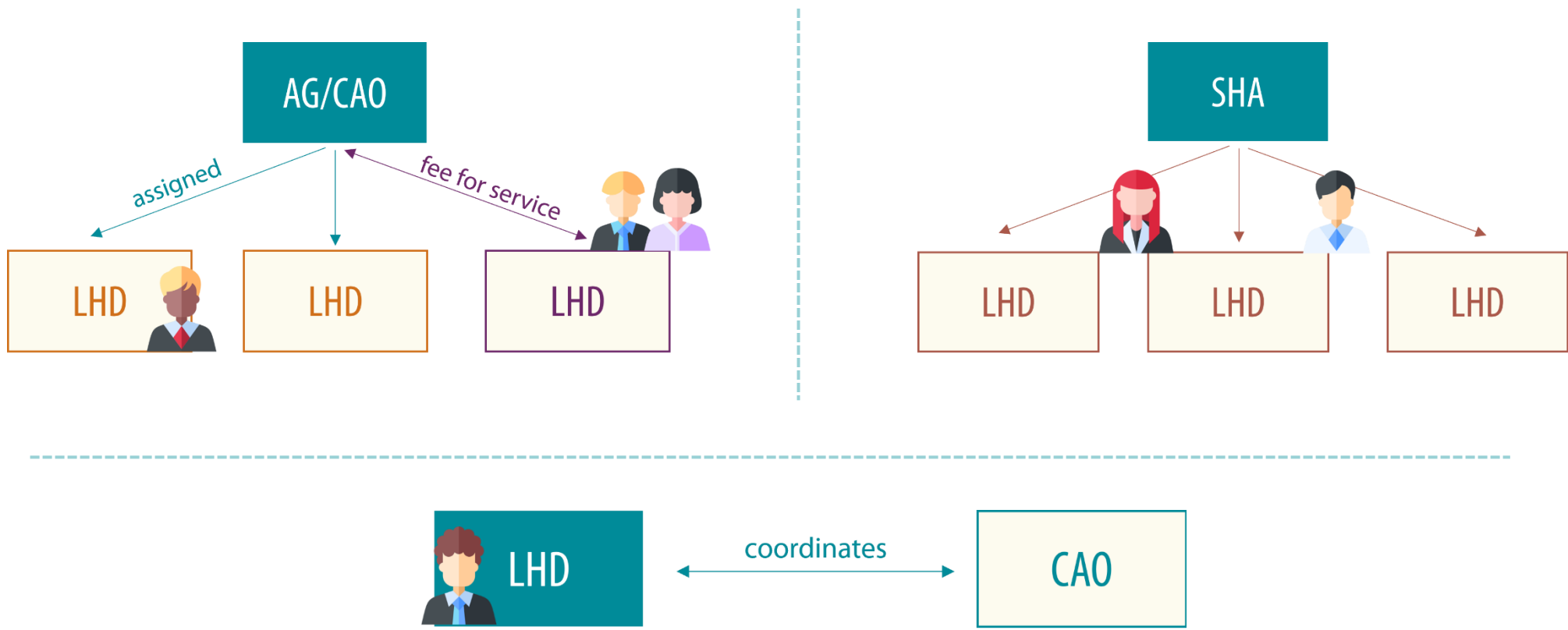
RI was excluded from the study

N=2,459

**Figure 2.2 |** Percent of United States population served by LHDs

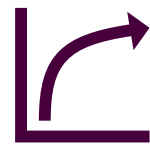


# Some LHDs engage with external PH Attorneys, while others hire their own



# LESSONS FROM COVID-19

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What legal and policy lessons have you taken away  
from COVID-19?

Waiting for responses ...



# Lessons from COVID-19

- What surprised you about navigating the COVID-19 pandemic as health department counsel?
- What were the challenges and lessons learned?
- Thinking ahead toward the next public health emergency, what is the role of health department attorneys in emergency preparedness?

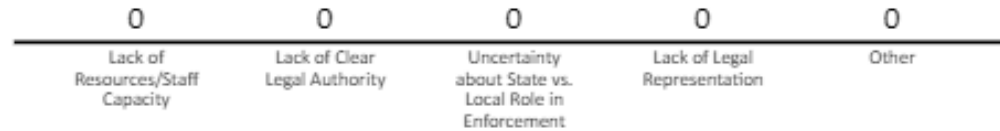
# PUBLIC HEALTH ENFORCEMENT

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What challenges impede enforcement of public health laws?



# Public Health Enforcement

- Tell us about your department's enforcement work and your role within that.
- What are the challenges you and your department face in enforcing public health laws?
- What did NACCHO find through its survey and interviews on enforcement issues?

# ADVANCING HEALTH EQUITY

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What is the role of health department legal counsel  
in promoting health equity?

Waiting for responses ...



# Advancing Health Equity

- What is the role of health department counsel in advancing health equity?
- How do you approach emergency preparedness through an equity lens?
- Have you recognized any untapped opportunities for legal counsel to promote health equity?



# FINAL THOUGHTS

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# Questions for the Audience

- What did you hear today that resonated with you?
  - What didn't resonate?
- Do you have other thoughts you would like to add to what was shared today?

**THANK YOU!**

**2023 PUBLIC HEALTH LAW  
CONFERENCE**

**People. Policy. Progress.**