

Gaining Ground

Domain 6: Public Health Laws Webinar Transcript

Webinar Series Overview:

PHAB accreditation uses an established framework of standards based on twelve domains. The first ten address the Ten Essential Services of Public Health. The last two focus on your health department's infrastructure and governance. This 12-part video series provides information, tips, and resources on how you can use the specific performance measures in each domain to advance the quality and performance of your department. Applying the standards now will help your department reach its strategic goals, even as you consider taking the next steps towards accreditation.

Domain 6 Introduction:

The goal of this presentation is to provide an overview of PHAB Domain 6. Domain 6 provides requirements for Enforcing Public Health Laws. This presentation was developed by Grace Gorenflo who serves as a national mentor to Iowa's Gaining Ground Coalition. I'll be narrating it on her behalf.

My name is Joy Harris. I am the Public Health Modernization Coordinator at the Iowa Department of Public Health. I serve as the department's Accreditation Coordinator and provide technical assistance to local public health departments about the PHAB standards and process.

There are 12 domains as shown here. This presentation is going to focus on Domain 6: Enforcing Public Health Laws.

"Public Health Laws" is a very broad term that refers to all types of statutes, regulations, rules, executive orders, ordinances, case law, and codes. Some examples of public health laws are those concerning food sanitation, lead inspections, newborn screenings, immunization, quarantine, and tobacco sales to minors. The laws are important tools to protect and promote health. They should be science-based and strike a balance that protects both individual rights and the population's health. Ideally, the general public and policymakers understand the impact of public health laws. The health department is responsible for ensuring that its jurisdiction has up-to-date laws that are well understood and consistently enforced.

Domain 6 is broken down into three areas called Standards. These standards may be broken down further into separate measures. Within the standards of Domain 6, there are ten measures.

You may already have much of the required documentation to meet these measures. Things like that might include proof of access to legal counsel, like an agreement with your county attorney, information posted on your website about public health laws and permit regulations, or written protocols for inspection and enforcement activities, records, or logs of each.

Standard 6.1:

Standard 6.1 is to review public health laws and laws with public health implications and ensure they are current. Some examples of laws that are not specific to public health but have public health implications concern zoning, recreation, animals, and transportation laws. These types of laws also can have a significant impact on health equity.

Measure 6.1.1:

The first measure of this standard is to review laws in order to determine the need for revision. Health departments need to ensure that the laws are evidence-based and address newly emerging issues of public health significance. For this measure, health departments must provide evidence that reviews have been conducted, and this can be documented through meeting minutes, reports, or memos. This measure also requires documentation of your organization's access to legal counsel, for example through an MOU, letter of agreement, contract, or a formal statement from the governmental attorney's office.

Measure 6.1.2:

The second measure of this standard is to advise governing bodies on needed amendments to current public health laws and laws with public health significance. Recommended amendments to the body of public health law may include revision, creation, or deletion. The laws need not be restricted to those that the health department enforces, but may be those that others enforce that impact public health. Some examples of these are helmet use laws, school nutrition requirements, and texting while driving laws. Evidence of meeting this measure could be a governing entity meeting agenda or an email.

Standard 6.2:

A primary role of the health department is to educate the population and regulated entities and organizations about the meaning, purpose, benefits, and compliance requirements of public health related laws, and this is the focus of Standard 6.2. Educational efforts should be aimed at both individuals and organizations, and it's important to be sure that they culturally and linguistically appropriate for each target audience.

PHAB recognizes that some public health law enforcement may be handled by other governmental departments. If you don't enforce laws around food code, environmental public health, animal control, or solid waste, don't worry. Throughout

this standard, the measures specify how the health department can document that it coordinates with other departments around public health law and compliance issues.

Measure 6.2.1:

The first measure of Standard 6.2 is to ensure that staff have been trained about the laws that apply to their position. This can be demonstrated by training agendas or records maintained by human resources. Consistent application of the law is another aspect of this measure, and documentation could be internal audits or enforcement logs, for example.

Measure 6.2.2:

The second measure of this standard is to make information about public health laws and permit and licensure requirements readily available to the public. This could be accomplished by placing the information on your agency's website or in a flyer or brochure.

Measure 6.2.3:

Measure 6.2.3 is to provide information to regulated agencies about their responsibilities and how to achieve full compliance with public health related laws. The information can take a variety of forms, including website postings, newsletters, training sessions, or posters.

Standard 6.3:

Health departments have a role in ensuring that public health laws are enforced, and Standard 6.3 is to conduct enforcement activities and notify appropriate agencies of violations.

Remember that PHAB recognizes that enforcement authority may be in the health department or with the separate governmental agency. When enforcement authority lies elsewhere, the health department's role is to collaborate, assist, and share information about enforcement activities. The measures throughout this standard specify how to demonstrate this. As an example: if a toxic substance is being emitted by a plant or a restaurant inspection identifies a risk of a foodborne illness, even if the health department can't conduct enforcement activities, it should be aware of the issue in order to provide public health follow-up on any related illnesses or to deliver community information and education.

Measure 6.3.1:

The first measure of this standard is to have documented authority of enforcement activities and maintain related written protocols and processes for enforcement activities. Authority may be through state or local code, or ordinance. In addition, of the two examples required for enforcement protocols, one of them must address infectious disease.

Measure 6.3.2:

The second measure of this standard is to conduct inspections. If the frequency of inspections isn't mandated by law, then the health department should establish and adhere to an appropriate schedule. PHAB will be looking for examples of protocols and evidence, such as a log, that the inspections are conducted in accordance with the schedule.

Measure 6.3.3:

Measure 6.3.3 is to conduct enforcement activities according to established procedures for violations identified through routine inspections, emergency situations, or in response to a complaint. The health department must document the actions taken and ensure appropriate communication with the regulated entity about the violation and its consequences either through hearings, meetings, or formal correspondence.

Measure 6.3.4:

The fourth measure for Standard 6.3 is to analyze patterns and trends in non-compliance, complaints, and enforcement activities. This will help in understanding the prevalence of issues, in employing preventive measures, in pursuing opportunities for improvement in enforcement activities, and in providing follow-up education. If your department operates an enforcement program that is out of compliance with the law or under sanction, one of the two required examples of analyses must be from that program. This measure also calls for the health department to evaluate its own protocols for things that worked well, problems that arose, and other issues in order to identify opportunities for improvement in protocols or procedures.

Measure 6.3.5:

The final measure for Domain 6 is to communicate with the public and other appropriate agencies about enforcement activities that have been taken by the health department. Sharing information with the public positions the public to make decisions or alter their behavior based on that information. For example, many members of the public want to know what local restaurants have failed inspection and why. It is also important to work with other agencies that have a role in educating or providing follow-up with the enforced entity or the public. Protocols for these communications serve as documentation for this measure.

Conclusion:

That concludes our presentation on Domain 6: Enforce Public Health Laws. We hope this overview has been helpful.

On behalf of the Gaining Ground Coalition, thank you for joining us today.