



CPH Exam Review Webinar Public Health Law and Ethics

CPH Certified in
Public Health

by National Board of Public Health Examiners






6

CPH Study Resources

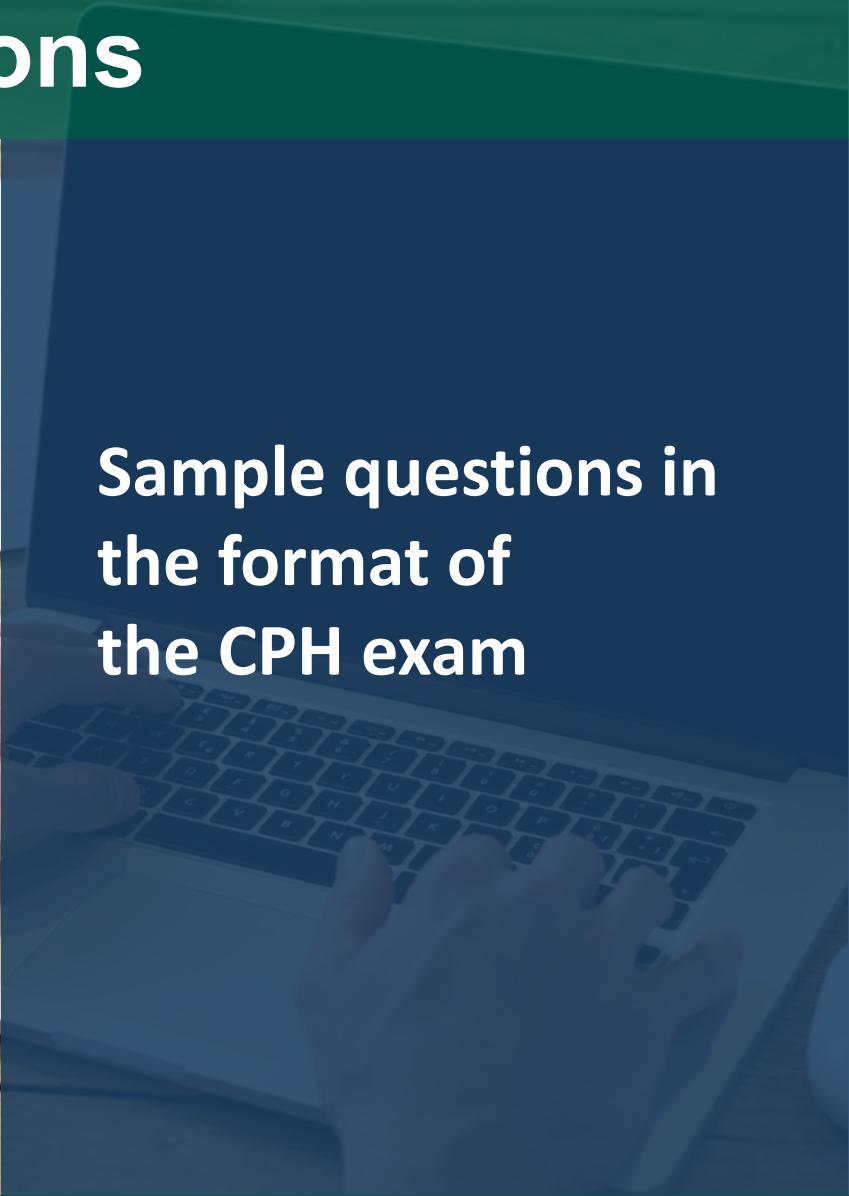
1. Content Outline
2. Sample Exam Questions
3. Practice Exams
4. Webinars
5. ASPPH Study Guide
6. APHA Study Guide

www.nbphe.org/cph-study-resources/

Content Outline

- 
- Evidence-based Approaches to Public Health (10%)**
 - Communication (10%)**
 - Leadership (10%)**
 - Law and Ethics (10%)**
 - Public Health Biology and Human Disease Risk (10%)**
 - Collaboration and Partnership (10%)**
 - Program Planning and Evaluation (10%)**
 - Program Management (10%)**
 - Policy in Public Health (10%)**
 - Health Equity and Social Justice (10%)**

Sample Exam Questions



**Sample questions in
the format of
the CPH exam**



Practice Exams



Online mini-exam of 50 questions from the CPH item-bank

1

2

3

4

Study Webinars

Upcoming Webinars Lecture and Q&A

- **Health Policy Process**
September 17, 1-2 pm ET
- **Public Health Biology and Human Disease Risk**
September 27, 1-3 pm ET
- **Evidence Based Public Health: Biostatistics**
October 22, 1-3 pm ET

These and all past webinars /presentations are posted on

<https://www.nbphe.org/cph-study-resources/>

ASPPH CPH Study Guide

cphstudyguide.aspph.org



APHA Press Study Guide



Editors: Karen Liller, Jaime Corvin and Hari Venkatachalam
University of South Florida College of Public Health
Certified in Public Health Exam Review Guide

\$41.95 APHA member /\$51.95 non-member

eBook and print available via the APHA Bookstore at <https://www.apha.org/publications-and-periodicals>



Let's Get Started!

Public Health Law and Ethics

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University of South Florida College of Public Health

ASPPH CPH Exam Webinar Series

September 10, 2019

CPH Certified in
Public Health

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Session Objectives

1. Design strategies to ensure implementation of laws and regulations governing the scope of one's legal authority.
2. Identify regulations regarding health privacy, security, confidentiality
3. Apply basic principles of ethical analysis to issues of public health research, practice, and policy
4. Identify environmental, social justice, and other factors that contribute to health disparities.



Definition of Public Health Law

- “The legal powers and duties of the state to assure the conditions for people to be healthy, and ...
- the limitations on the power of the state to constrain the autonomy, privacy, liberty, proprietary, or other legally protected interests of individuals for the protection or promotion of community health.”

Gostin LO. Public Health Law: Power, Duty, Restraint. Berkeley: Univ. of California Press, 2000, pg 4.

Tension



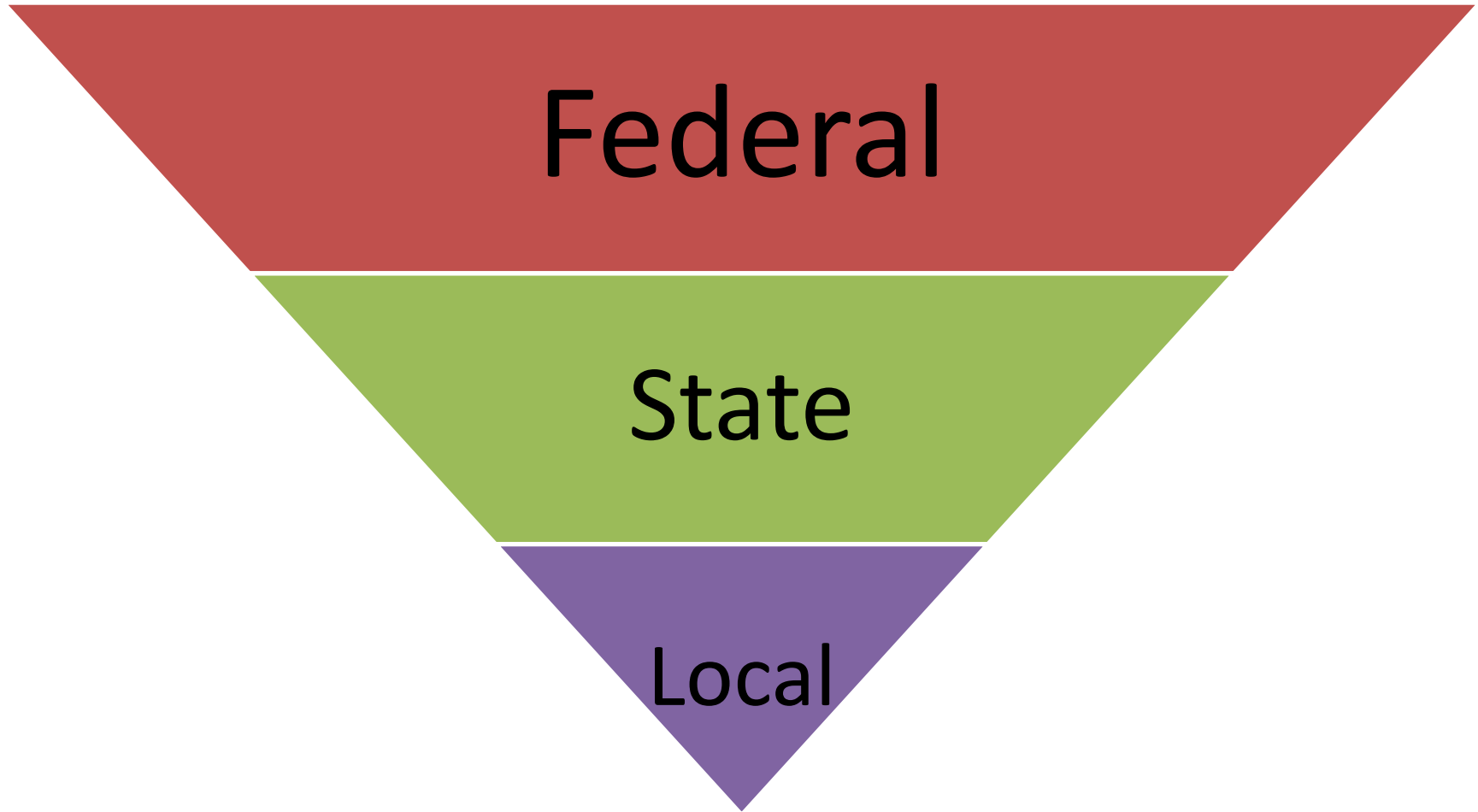


Scope of Legal Authority

- **Autonomy** - Free from external influence over independent decision-making
 - Mandatory vaccination
 - Isolation - Separation of an infected person
 - Quarantine - Detention of healthy persons exposed to contagious disease
- **4th Amendment** - Protects against unreasonable searches and seizures (not licensed businesses)



Levels of Government and Their Roles



Federalism

- Constitution establishes authority to enact laws, including those pertaining to public health





Federalism and Public Health Law

- 10th Amendment of the U.S. Constitution gives the states all powers that are
 - neither given to the federal government
 - nor prohibited by the Constitution.
- Federal preemption
 - Doctrine giving federal law precedence
 - Federal preemption occurs in many areas of public health law

Gostin LO. *Public Health Law: Power, Duty, Restraint*. 2nd ed. Berkeley, CA: University of California Press; 2008.

Example: ACA & Calories on Menus

 <p>Cheeseburger 1/3 LB.</p> <table><tr><td>BURGER</td><td>COMBO</td></tr><tr><td>3.49</td><td>5.49</td></tr><tr><td>CAL 650</td><td>UP TO 2260</td></tr></table> <p>1</p>	BURGER	COMBO	3.49	5.49	CAL 650	UP TO 2260	 <p>Original</p> <table><tr><td>BURGER</td><td>COMBO</td></tr><tr><td>2.99</td><td>4.99</td></tr><tr><td>CAL 650</td><td>UP TO 1450</td></tr></table> <p>2</p>	BURGER	COMBO	2.99	4.99	CAL 650	UP TO 1450
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 <p>Chicken Nuggets</p> <table><tr><td>NUGGETS</td><td>COMBO</td></tr><tr><td>3.99</td><td>5.99</td></tr><tr><td>CAL 650</td><td>UP TO 1450</td></tr></table> <p>7</p>	NUGGETS	COMBO	3.99	5.99	CAL 650	UP TO 1450	 <p>The Burger</p> <table><tr><td>BURGER</td><td>COMBO</td></tr><tr><td>2.99</td><td>4.99</td></tr><tr><td>CAL 650</td><td>UP TO 1450</td></tr></table> <p>8</p>	BURGER	COMBO	2.99	4.99	CAL 650	UP TO 1450
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Example: Cigarette Warnings

FDA Proposes Graphic Warnings On Packages and Ads





State Powers

- *10th Amendment* gives states all powers that are neither given to the federal government nor prohibited by the Constitution
- “The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.”
– James Madison, *The Federalist* No. 45



Police Powers

- States retain police powers to protect public's health
- Powers exercised by states to:
 - Enact laws and promulgate regulations
 - That are used to protect public and to promote the common good
- Contrasted with criminal law powers
 - Don't require probable-cause warrants
 - Enforce protections without a court hearing
 - "More probable than not" standard of evidence

1. Richards, E. P. (2002). Collaboration between public health and law enforcement: the Constitutional challenge. *Emerging infectious diseases*, 8(10), 1157-1159.

Example: Isolation



<https://nypost.com/2019/07/25/congo-student-with-ebola-still-finds-a-way-to-take-exams/>

Example: Culling Poultry





Local: Home Rule

- *Home Rule Authority* gives *local officials* the ability to enact ordinances or regulations that are specific to the community, not otherwise prohibited.

Examples: Home Rule



New Orleans, Louisiana



New York, New York



Boulder, Colorado



Multiple Perspectives

- Public health practice strategies must be responsive to diverse cultural values
 - Ideological left
 - Ideological right
 - Personal libertarianism
 - Economic libertarianism

1. Gostin, L. O. (2002). Public health law in an age of terrorism: rethinking individual rights and common goods. *Health Affairs*, 21(6), 79-93.
2. Rothstein, Mark A. (2009) "The Limits of Public Health: A Response." *Public Health Ethics* 2.1 84-88.
3. Wiley, Lindsay F., Micah L. Berman, and Doug Blanke. (2013) "Who's Your Nanny?: Choice, Paternalism and Public Health in the Age of Personal Responsibility." *The Journal of Law, Medicine & Ethics* 41.s1: 88-91.



Balance: Public Good Vs. Individual Rights

Public Health Intervention	Public Good	Individual Right
Childhood vaccinations	Reduce vaccine-preventable disease incidence	Religious freedom (1 st Amendment); parental autonomy
Helmet laws (e.g., Florida)	Reduce death and head injury	Violation of “personal freedom,” according to Gov. Jeb Bush
Mandate of flu vaccine for health care workers	Controlling influenza outbreaks	Due process (5 th & 14 th Amendments); right to free exercise of religion (1 st Amendment)
Quarantine/isolation	Infectious disease control	Freedom of movement; due process (5 th & 14 th Amendment)
Ban on handguns in homes	Controlling gun violence	2nd Amendment “protects an individual right to keep and bear arms”

Laws vs. Regulations

- Public health **laws** are the system of rules created for the protection or promotion of community health.
- **Regulations** are the set of rules that describe the implementation of legislation.

Health Insurance Portability & Accountability Act

- Law: Congress passed HIPAA
- Regulation: The Department of Health and Human Services, through the Office of Civil Rights, created regulations to implement the law.
 - HIPAA Privacy Rule
 - HIPAA Security Rule



Regulations: HIPAA

- **Protected health information (PHI)** - any identifiable info of individual: demo data, health condition, or receipt of services
- **Privacy** - Freedom from intrusion; having control over the extent, timing, and circumstances of sharing PHI.
- **Security** - Practices, policies, and procedures created to protect a person's PHI
- **Confidentiality** - Patient disclosing information in a relationship of trust


Violation of which rule of HIPAA?



Ethics

1. Moral principles that guide rules for professional behavior guided
2. Supports ethical decision-making giving you a series of questions designed to provoke rigorous deliberation among public health professionals:
 - a. Analyze the ethical issues
 - b. Evaluate the ethical dimensions of the various public health options, and
 - c. Providing justification for one particular public health action.

APHA's Principles of Ethical Practice



Principles of the Ethical Practice of Public Health

1. Public health should address principally the fundamental causes of disease and requirements for health, aiming to prevent adverse health outcomes.
2. Public health should achieve community health in a way that respects the rights of individuals in the community.
3. Public health policies, programs, and priorities should be developed and evaluated through processes that ensure an opportunity for input from community members.
4. Public health should advocate and work for the empowerment of disenfranchised community members, aiming to ensure that the basic resources and conditions necessary for health are accessible to all.
5. Public health should seek the information needed to implement effective policies and programs that protect and promote health.
6. Public health institutions should provide communities with the information they have that is needed for decisions on policies or programs and should obtain the community's consent for their implementation.
7. Public health institutions should act in a timely manner on the information they have within the resources and the mandate given to them by the public.
8. Public health programs and policies should incorporate a variety of approaches that anticipate and respect diverse values, beliefs, and cultures in the community.
9. Public health programs and policies should be implemented in a manner that most enhances the physical and social environment.
10. Public health institutions should protect the confidentiality of information that can bring harm to an individual or community if made public. Exceptions must be justified on the basis of the high likelihood of significant harm to the individual or others.
11. Public health institutions should ensure the professional competence of their employees.
12. Public health institutions and their employees should engage in collaborations and affiliations in ways that build the public's trust and the institution's effectiveness.



Belmont Report:

3 Ethical Principles of Human Subject Research

1. Respect for persons

- a. Treat participants as autonomous agents
- b. Informed consent, free from coercion.

2. Beneficence

- a. Protecting participant well-being
- b. Ensuring benefits of research > risks

3. Justice

- a. Burdens distributed fairly (distributive justice)
- b. Participate in decisions (procedural justice)

Tuskegee Syphilis Experiment



Ethical Theories to Support Public Health

- **Utilitarianism**

- Promotes the goal of the “greatest good for the greatest number”

- **Communitarian**

- Individuals inseparable from community life and no one person and no one community can ever be completely self-determining.

- **Liberalism**

- Focuses on individual rights and freedom to choose, seeks to guarantee individual freedom without state infringement on personal choice.



Ethics of Community Planning

- **Priority setting**
 - A component of health planning that involves the community in decisions related to allocation of scarce resources.
- **Reciprocity**
 - Community input regarding decisions by listening and speaking to the community.
- **Transparency**
 - Not concealing information



More Ethical Concepts

- **Public trust**
 - Avoid interventions that employ force or command without reason
- **Fiduciary duty**
 - Serving public in a way that maintains public's trust
- **Conflicts of interest**
 - Actions regarding a primary interest are influenced by a secondary interest



Human Rights and Social Justice

- **APHA Code of Ethics** has affirmed the right to health as a general ethical principle.
 - Article 25 of the Universal Declaration of Human Rights
- **Social justice**
 - “fair, equitable, and appropriate treatment in light of what is due or owed groups.”



Social Justice and Disparities

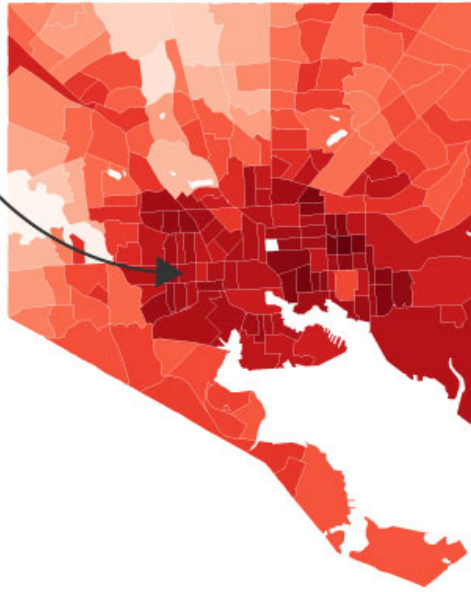
- Social justice requires that public health practitioners examine questions of how some groups face disproportionate risk of disease, called **health disparities**.
- Public health practice should examine the **fundamental causes** of disease, such as environmental conditions, occupational exposures, genetics, or lifestyle factors

Environmental Justice

Baltimore, MD

Franklin Square =
6 degrees hotter
& 1/3 of
residents living
in poverty

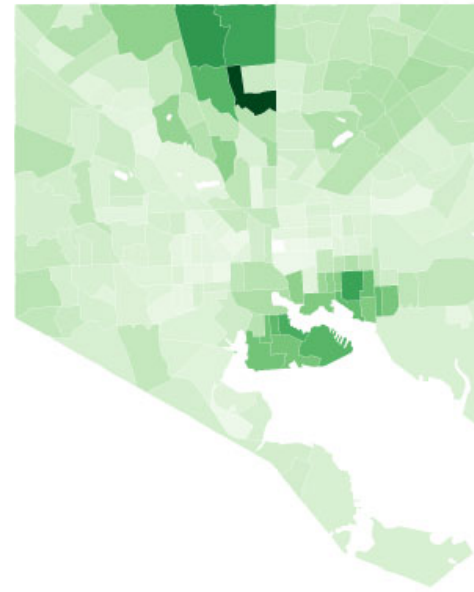
Surface Temperature



Cooler

Hotter

Income



Minimum
\$14K

Maximum
\$209K

Addressing Fundamental Causes of Disease

Types of Renewable Energy

Solar	Wind	Biomass	Hydrogen	Geothermal	Ocean	Hydropower
						
Uses: <ul style="list-style-type: none">▪ Solar Power Plant	Uses: <ul style="list-style-type: none">▪ Wind Power Plant	Uses: <ul style="list-style-type: none">▪ Biofuels▪ Biopower▪ Bioproducts	Uses: <ul style="list-style-type: none">▪ Fuel Cells	Uses: <ul style="list-style-type: none">▪ Geothermal Power Plant▪ Heat Pumps	Uses: <ul style="list-style-type: none">▪ Tidal Power▪ Wave Power▪ Thermal	Uses: <ul style="list-style-type: none">▪ Hydropower Plant

Thank You!

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