

Cross-Jurisdictional Sharing and Regionalization Efforts

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Legal Aspects of Regionalization

An Initiative of the Public Health Law Network
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Hard Times Come Again No More by Steven Foster (1854)

As we pause in life's pleasures and count its many tears

let us all taste the hungers of the poor.

There's a song that will linger forever in our ears:

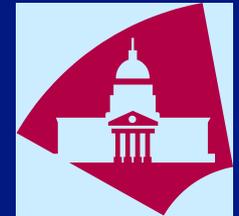
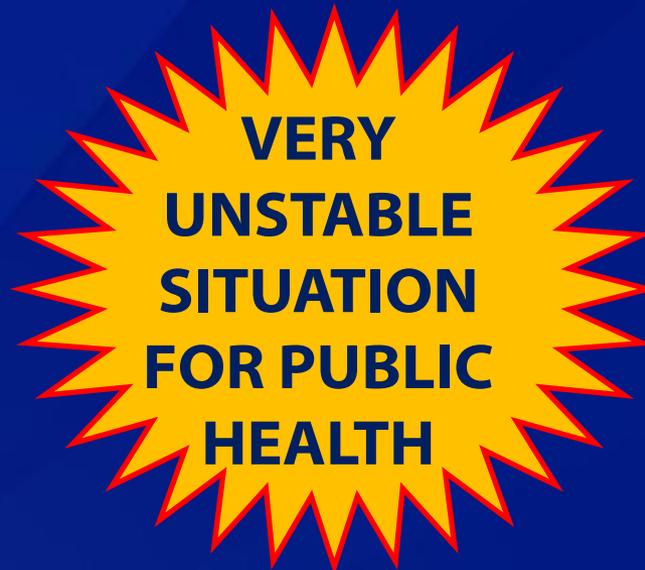
Hard times, come again no more.



Pressures on Public Health Agencies to Develop New Stakeholders Relationships



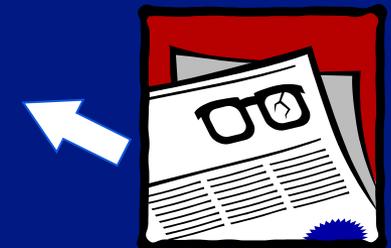
**Economic
Downturn**



**Political
Realities**



**Unresolved Legal
& HR Questions**



Health Reform

Pressures on Public Health Agencies to Develop New Stakeholders Relationships



**Economic
Downturn**



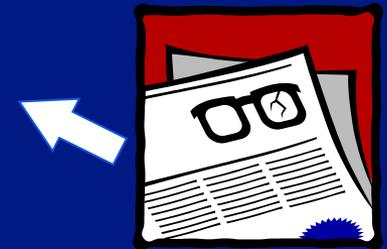
**Political
Realities**



**VERY
UNSTABLE
SITUATION
FOR PUBLIC
HEALTH**



**Unresolved Legal
& HR Questions**

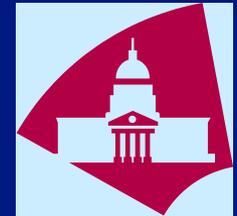


Health Reform

Pressures on Public Health Agencies to Develop New Stakeholders Relationships



**Economic
Downturn**

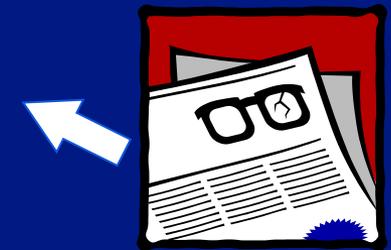


**Political
Realities**

**Develop
New PH
Strategies**



**Unresolved Legal
& HR Questions**



Health Reform

Pressures on Public Health Agencies to Develop New Stakeholders Relationships



A New Initiative in Development to Assist Public Health Agencies

**“Evolving Legal Issues Faced
by Public Health Agencies”**

Evolving Legal Issues Faced by Public Health Agencies

**Partnering
to Survive**



Evolving Legal Issues Faced by Public Health Agencies



Local HHS Agency Consolidation

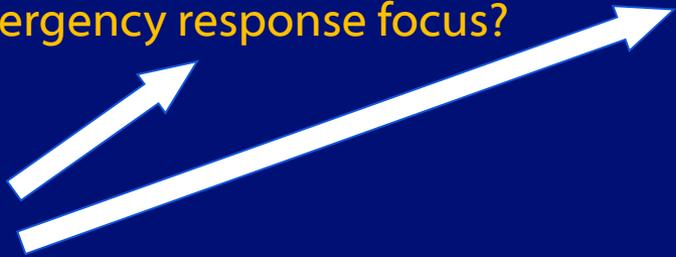
- LHD merged under local “umbrella agency”
- Impact on PH laws and regs?
- Emergency response focus?



LHD Cross Jurisdictional Collaborations

- LHD + LHD + LHD
- Involves a continuum of various arrangements

**Partnering
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Evolving Legal Issues Faced by Public Health Agencies



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FQHC and LHD Partnerships

- HRSA and CDC are promoting these partnerships

**Partnering
to Survive**

Nonprofit Hospitals: IRS Changes

- Community health needs assessment required by ACA
- Reporting of community benefits required by IRS in 2009



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Partnering to Survive



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New Data Sharing Arrangements

- Health Information Exchanges
- Protecting patient medical records
- Patient centered medical home



Nonprofit Hospitals: IRS Changes

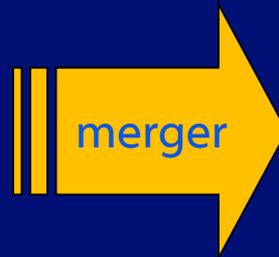
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- Reporting of community benefits required by IRS in 2009

Evolving Organizational Changes Faced by Public Health Agencies

- 1. Local Health and Human Services Agency Consolidations**
- 2. Cross-Jurisdictional LHD collaborations**
- 3. FQHC and LHD Partnerships**
- 4. Nonprofit Hospitals and LHD collaborations**
- 5. Data Sharing Arrangements**
- 6. Other Areas**

1. Local HHS Agency Consolidation (County “Umbrella Agency” Mergers)

**Social Services + LHD +
Medicaid + WIC + Child
Protection + Etc.**



**Single Local
HHS Agency**



- **Concern about loss of “public health” identity, especially in local emergency workforce situations**
- **Potential legal concerns under state laws:**
 - Who becomes the designated local official to issue an MDR-TB isolation order?
 - Who declares an emergency closure of a facility?



2. Cross-Jurisdictional LHD Collaborations (LHD + LHD + LHD Horizontal Arrangements)



Examples of legal issues:

- Written documentation of agreements
- Funding and termination agreements
- Exercise of public health control powers across local jurisdictional lines (e.g., quarantine or closures)

3. FQHC and LHD Partnerships

- **HRSA and CDC joint initiative to promote FQHC and LHD partnerships**
- **Potential legal issues:**
 - Merger of 2 boards or creation of new 501(c)(3) entity to coordinate both organizations
 - Clarification of liability concerns and insurance
 - Documentation of governance arrangements

4. Collaborations Between Nonprofit Hospitals and LHDs

Incentives for Collaboration:

- **2009 IRS regulations require hospital to list community benefits (list is publicly available)**
- **Affordable Care Act requires hospitals to conduct a community health needs assessment every 3 years beginning in tax year 2012**
- **PHAB voluntary national accreditation program beginning in 2011 will require public health agencies seeking accreditation to conduct community health assessments**

4. Collaborations Between Nonprofit Hospitals and LHDs

Examples of legal matters to consider:

- **IRS Code and regulatory requirements**
- **Affordable Care Act implementation schedule**
- **Written memoranda of roles / responsibilities**
- **Jurisdictional overlaps of multiple communities**
- **Data sharing and reporting requirements**

5. Data Sharing Arrangements and Privacy Protection

Examples of data sharing and patient protection legal topics to consider when creating these emerging collaborations:

- **IRS Code requirements**
- **HIPAA privacy rules and procedures**
- **Applicable federal and state privacy laws**
- **Timing of Affordable Care Act provisions**

6. Other Potential Areas for Legal Support to Assist New Public Health Collaborations

- **Impact of new collaborations upon existing local, regional, state, tribal, and federal preparedness arrangements**
- **Human resources procedures and appeals**
- **Collective bargaining agreements**





Public Health Law Network

The Public Health Law Network provides:

- Legal technical assistance
- Training and educational resources
- A seamless foundation to connect those with public health law experience and needs

Anyone committed to applying the law to improve public health can join the Network.

www.publichealthlawnetwork.org



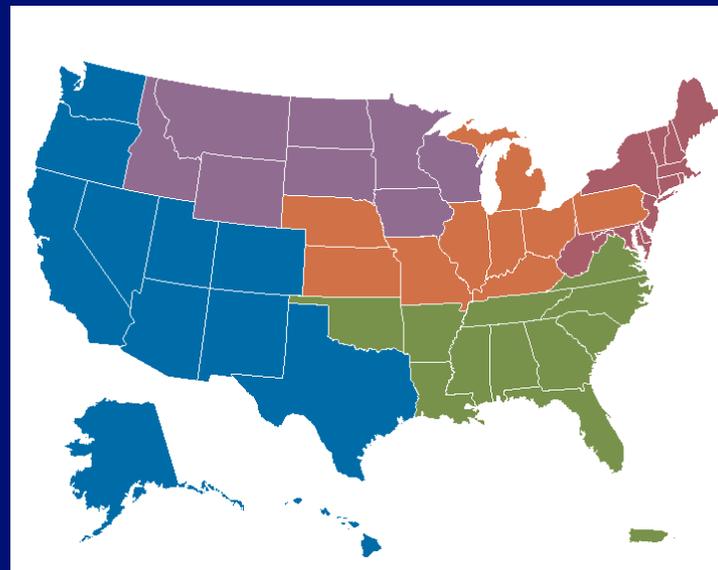
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Public Health Law Network

Support across the U.S.

- The Network is currently organized into 5 regions
- For help applying the law to any public health challenge, contact the region that represents your area



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Public Health Law Network



- **National Coordinating Center/Northern Region**

- Public Health Law Center at William Mitchell College of Law



- **Eastern Region**

- University of Maryland School of Law working with the John Hopkins Bloomberg School of Public Health



- **Mid-States Region**

- University of Michigan School of Public Health



- **Southeastern Region**

- UNC Gillings School of Global Public Health working with the National Health Law Program



- **Western Region**

- Sandra Day O'Connor College of Law at Arizona State University working with the University of New Mexico School of Law

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Public Health Law Network

Contact the Network

- Visit publichealthlawnetwork.org
- Call your region
- Office hours from 9:00 am to 5:00 pm in the respective time zone of the region's main office
- Expect a response within 72 business hours

The screenshot shows the homepage of the Public Health Law Network. At the top, there is a navigation bar with the following links: Home, Join the Network, Get Technical Assistance, and About the Network. Below the navigation bar, there is a main content area with a map of the United States divided into regions. To the right of the map, there is a list of Public Health Law Topics, including Cross-Border Public Health, Emergency Legal Preparedness and Response, Environmental Public Health, Food Safety, Health Reform, Health Information Data Sharing, Injury Prevention and Safety, Public Health Agency Accreditation and Shared Service Delivery, Public Health Statutes and Regulatory Information, Tobacco Control, and Tribal Public Health Law. Below the topics, there is a section for Frequently Asked Questions and a search bar. At the bottom of the page, there is a footer with the address: 875 Summit Avenue, St. Paul, MN 55105, the phone number: 651-695-7749, and links for Sign up on our mailing list, Email us, Disclaimer, and Privacy.

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Contact Information for Evolving Legal Issues Faced by Public Health Agencies

Comments, needs, and other ideas to develop this initiative:

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