CPH Exam Review Webinar
Public Health Law and Ethics

CPH Certified in Public Health
by National Board of Public Health Examiners
CPH Study Resources

1. Content Outline
2. Sample Exam Questions
3. Practice Exams
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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
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

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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!
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.”

Tension

Public Good

Individual Rights
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

- Federal
- State
- Local
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

Example: ACA & Calories on Menus
Example: Cigarette Warnings

FDA Proposes Graphic Warnings On Packages and Ads

- WARNING: Smoking during pregnancy stunts fetal growth.
- WARNING: Smoking causes age-related macular degeneration, which can lead to blindness.
- WARNING: Smoking reduces blood flow to the limbs, which can require amputation.
- WARNING: Smoking causes cataracts, which can lead to blindness.
- WARNING: Smoking causes COPD, a lung disease that can be fatal.
- WARNING: Smoking can cause heart disease and strokes by clogging arteries.
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

Example: Isolation

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

## Balance: Public Good Vs. Individual Rights

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<thead>
<tr>
<th>Public Health Intervention</th>
<th>Public Good</th>
<th>Individual Right</th>
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<tr>
<td><strong>Childhood vaccinations</strong></td>
<td>Reduce vaccine-preventable disease incidence</td>
<td>Religious freedom (1st Amendment); parental autonomy</td>
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<tr>
<td><strong>Helmet laws (e.g., Florida)</strong></td>
<td>Reduce death and head injury</td>
<td>Violation of “personal freedom,” according to Gov. Jeb Bush</td>
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<td><strong>Mandate of flu vaccine for health care workers</strong></td>
<td>Controlling influenza outbreaks</td>
<td>Due process (5th &amp; 14th Amendments); right to free exercise of religion (1st Amendment)</td>
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<td><strong>Quarantine/isolation</strong></td>
<td>Infectious disease control</td>
<td>Freedom of movement; due process (5th &amp; 14th Amendment)</td>
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<tr>
<td><strong>Ban on handguns in homes</strong></td>
<td>Controlling gun violence</td>
<td>2nd Amendment “protects an individual right to keep and bear arms”</td>
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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 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)
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.
Franklin Square = 6 degrees hotter & 1/3 of residents living in poverty.
Addressing Fundamental Causes of Disease

Types of Renewable Energy

- **Solar**
  - Uses: Solar Power Plant

- **Wind**
  - Uses: Wind Power Plant

- **Biomass**
  - Uses: Biofuels, Biopower, Bioproducts

- **Hydrogen**
  - Uses: Fuel Cells

- **Geothermal**
  - Uses: Geothermal, Power Plant, Heat Pumps

- **Ocean**
  - Uses: Tidal Power, Wave Power, Thermal

- **Hydropower**
  - Uses: Hydropower Plant
Thank You!

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