

Comparative Analysis of State Public Health Law Reform Efforts Following the Turning Point Model State Public Health Act

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Objectives

- Public Health Law Reform in the 21st Century
- The Turning Point Statute Modernization Project
- Assessing the Turning Point Act – Analyses from Key Jurisdictions



Public Health Law Reform

- Many national, state, tribal, and local governments and private sector entities concur:
- “Public health law in the United States is ripe for reform”

Assessment of State Public Health Law

- **Antiquated.** Public health statutes are outdated and may fail to reflect modern constitutional norms, public health and biological sciences, individual and population ethics, and public health practices, policies, and relationships
- **Unfocused.** Public health law does not always articulate a clear mission for public health, nor reflect core or essential public health services.
- **Inconsistent and Complicated.** Public health law is varied and complicated, difficult for the public to comprehend, and challenging at times for health officials to implement





State Public Health Law Reform

“...the Nation’s public health infrastructure would be strengthened if jurisdictions had a model law and could use it regularly for improvements.”

DHHS, *Healthy People 2010*

*(similarly stated in IOM, *Future of Public Health . . .*, 2003)*



Benefits of Public Health Law Reform



- Modernize and amend antiquated laws to keep pace with scientific developments
- Reflect modern constitutional, legal, and ethical norms
- Clarify public health legal powers and duties
- Stimulate public health dialogue with policy makers and communities
- Improve communication and working relationships within the public health system
- Improve public health programs/outcomes



Risks of Public Health Law Reform

- Statutory editions may change the landscape of public health practice
- Changes in public health laws may add costs without matching resources
- Statutory reform in state legislatures is fraught with potential complications and compromises
- Modernizing laws does not assure improved public health practices



The Turning Point Statute Modernization Project

- Transform and strengthen the legal framework for the state public health system through a collaborative process to develop a model state public health law.
- The Turning Point Model State Public Health Act
 - **Phase I:** State Public Health Law Assessment
 - **Phase II:** Development of a Model Law
 - Turning Point Model State Public Health Act - released September 16, 2003
 - **Phase III:** Dissemination & Education





Impact of the Model Law Effort

- Education of the public health community
 - Increased discussion and awareness
- Activity at the state legislative level
 - Tracking of bills introduced and passed
- Systemic impact on states
 - Relationships and structures have changed



The Turning Point Act - States That Have Introduced And Passed Bills Or Resolutions

- States use the Act to assess their existing state public health laws
- Example: Alaska HB 95, passed in June 2005, is directly based on multiple provisions of the Act.



Introduced

Bills: 33



Passed

Bills: 26



Assessing the Impact of the Turning Point Act: a Comparative Case Study

- **Justification**
 - Assess how the Turning Point Act is currently being used by state and local law- and policy-makers in legislative and regulatory reform initiatives
- **Scope**
 - Describe the effectiveness of the Turning Point Act as a means to promote public health through legal reforms at the state and local levels
- **Implications**
 - Apply lessons learned from the Turning Point Act experience to future reform efforts





Methodology

- Cases Selected - Successes and failures
- Interviewees - Legislators, Bureaucrats, Advocates
- Semi-Structured Interviews
 - Role of the informant
 - Public health problems addressed by the changes
 - Obstacles to changes in state law and the strategies used to overcome these obstacles
 - Subsequent changes in public health regulation, organization or programs based on legal reforms
 - Expected changes in public health outcomes



Example—A Process Model of Successful State Public Health Law Reform: Alaska

Stage I: The Emergence and Utilization of the Turning Point Act

- **Dominant Actors**
- Turning Point Collaboration
- Division of Public Health
- **Key Forces**
- Agenda Setting
- **Result**
- Model Developed for Discussion of Issue

Stage II: The Development of Draft Law

- **Dominant Actors**
- Division of Public Health
- Office of the Attorney General
- **Key Forces**
- Public Health Necessities
- Political Efforts
- **Result**
- State Law Developed to Pursuant to Turning Point Act

Stage III: Legislative Action

- **Dominant Actors**
- Legislators
- Division of Public Health
- Executive Branch
- Advocacy Groups
- **Key Forces**
- The Turning Point Experience
- Politicization of Public Health
- Executive Prerogative
- **Result**
- Reform of State Public Health Law



Case Study Conclusions—State Political and Policy Efforts Matter

ALASKA

- *The Turning Point Experience*
- *Politicization of Public Health*
- *Top-Down Reform*

SOUTH CAROLINA

- *Lack of an External Galvanizing Force*
- *Bureaucratic Expansiveness and the Risk of Backsliding*

WISCONSIN

- *The Turning Point Experience*
- *Stakeholder Collaboration*
- *Bottom-Up Reform*
- *Strong Legislative Champion*

NEBRASKA

- *Stakeholder Collaboration*
- *Lack of Executive Support*
- *Risk of Backsliding*
- *Selective Incorporation*



Comparative Analysis

- **Facilitators of Successful Law Reform**
 - Agenda Setting
 - Gap Analysis
 - Key Partnerships
 - Legislative Champion
- **Inhibitors to Successful Law Reform**
 - Lack of Impetus for Public Health Reform
 - Unaltered Model Legislative Language
 - Fear of Backsliding
 - Lack of Leadership





Study Conclusions

- States selectively incorporate provisions of the Turning Point Act into law based upon individual, political, and institutional factors.
- This project provides resources to support future state modernization efforts
- For more information on legislative tracking and comparative case studies, see:
 - Center for Law and the Public's Health: www.publichealthlaw.net/Resources/Modellaws.htm
 - Center for Health Policy: http://www.nursing.columbia.edu/chphsr/projects/law/public_health.html.





What next?

- **Dissemination**
 - Get this information to the public health community to help further reform efforts
- **PHSR agenda**
 - Keep legal structure/content questions and variables visible within PHSR
 - Maintain data base on statutes
- **Potential next study of Model Act**
 - Assemble all passed bills and identify
 - Least used section(s)
 - Most amended section(s)
 - Reconvene workgroup to consider additions or amendments

