

Center for Law and the Public's Health

at Johns Hopkins and Georgetown Universities

Hampton House, Room 582
624 North Broadway
Baltimore, Maryland 21205-1996
(410) 955-7624; (410) 614-9055 fax
www.publichealthlaw.net

“CDC Collaborating Center Promoting Public Health Through Law”

CORE LEGAL COMPETENCIES FOR PUBLIC HEALTH PROFESSIONALS

As of September 7, 2001

A. Introduction

This document presents a statement of Public Health Law Competencies developed by the *Center for Law and the Public's Health at Johns Hopkins and Georgetown Universities* with support from the Centers for Disease Control and Prevention (CDC), in collaboration with the Public Health Foundation (PHF).

In the preparation of this final statement, the *Center* received input from a multi-disciplinary panel of experts that convened on June 19, 2001, multiple respondents to a national electronic survey conducted by the PHF, and several national public health and public policy organizations, including the Association of State and Territorial Health Officials (ASTHO), the National Association of County and City Health Officials (NACCHO), the American Public Health Association (APHA), the National Association of Local Boards of Health (NALBOH), and the National Council of State Legislatures (NCSL).

The Public Health Law Competencies represent a set of law-specific skills and legal knowledge desirable for the practice of public health. These competencies are intended to serve as guides to workforce development efforts for public health leaders who have specialized roles related to public health law, as well as for front-line staff who need a basic understanding of the role of law in protecting the public's health.

Public health agencies, professional associations, universities, and continuing education programs may find these competencies helpful in assessing professional training needs, developing training and leadership programs, evaluating existing curricula, and improving performance related to using and understanding public health law.

B. Relationship of Public Health Law Competencies to Core Public Health Competencies

The Public Health Law Competencies are designed to complement the consensus set of **Core Competencies for Public Health Professionals** developed in May 2001 by the *Council on Linkages Between Academia and Public Health Practice*

[<http://trainingfinder.org/competencies/comp.pdf>]. This document builds upon a decade of work defining skills and competencies, the literature, and insights from public health practitioners and academicians. These nationally recognized competencies are linked to the **Ten Essential Public Health Services** [www.apha.org/ppp/science/10ES.htm] and will be used widely as a framework for training and personnel systems. For more information about the core competencies and the *Council on Linkages*, visit www.TrainingFinder.org/competencies.

To ensure coordination with the national core competencies (which set forth individual skills desirable for the delivery of Essential Public Health Services), the Public Health Law Competencies have been:

1. **compared with the *Council's* core competencies** to ensure that all core competencies relevant to law are included. Relevant core competencies are enumerated in separate columns in the table below by domain and competency number following each public health law competency; and
2. **stratified according to three levels of public health professionals**, similar to the *Council's* core competencies. The table below compares the proposed staff levels for Public Health Law Competencies to the levels used by the *Council*. Definitions¹ are included for each staff level.

Professional Categories for Core Public Health Competencies	Proposed Professional Categories for Public Health Law Competencies
Front Line Professional Staff - individuals who carry out the bulk of day-to-day public health tasks (e.g. sanitarians, counselors, nurses and other clinicians, investigators, lab technicians, health educators). Responsibilities may include basic data collection and analysis, fieldwork, program planning, outreach activities, programmatic support, and other organizational tasks.	Front Line Professional Staff (F)
Senior Level Professional Staff - individuals with a specialized staff function but not serving as	Senior Level Professional Staff (S)

¹. The source for all definitions except "Health Officials and Governance Boards" is Council on Linkages Between Academia and Public Health, Competencies Project Web Site, Prologue to the Core Competencies, <http://www.trainingfinder.org/competencies/background.htm#prologue> (5/9/01).

Professional Categories for Core Public Health Competencies	Proposed Professional Categories for Public Health Law Competencies
managers (e.g. epidemiologists, biostatisticians, health planners, health policy analysts). They have increased technical knowledge of principles in areas such as epidemiology, program planning and evaluation, data collection, budget development, grant writing, etc. and may be responsible for coordination and/or oversight of pieces of projects or programs.	
Supervisory and Management Staff - individuals responsible for major programs or functions of an organization, with staff who report to them. Increased skills can be expected in program development, program implementation, program evaluation, community relations, writing, public speaking, managing timelines and work plans, and presenting arguments and recommendations on policy issues.	Supervisory and Management Staff (e.g., program managers) (M)
	Health Officials and Governance Boards (O) - leaders who have responsibilities to determine or assure public health agency policies including local or state public health agency directors, deputy directors, or senior management staff with agency or jurisdiction-wide policy responsibilities; local or state board of health members; and members of legislative or executive branch organizations that have oversight and policy responsibilities for public health agencies and systems.

Unlike the *Council's* core competencies, the Public Health Law Competencies are not stratified further within each professional category to indicate the desirable level of proficiency (e.g., awareness, knowledgeable, proficient). This allows desired levels of proficiency to be determined as appropriate to individual profession and specific program responsibilities.

C. Public Health Law Competencies

I. Public Health Powers -- Generally	Level(s)	Related Core Comp.
A. Describes the basic legal framework for public health; roles of federal, state, and local governments; and the relationship between legislatures, executive agencies, and the courts.	F	2-3
B. Describes the meaning, source of, and scope of states' powers to protect the public's health, safety, and general welfare (aka. police powers) and to protect the individual from identifiable harm (aka. parens patriae powers).	M, O	

C. Identifies and applies basic provisions of the governmental unit's health code and regulations within the particular area of practice (<i>e.g.</i> , communicable disease control, environmental health, public health nursing).	M, O	2-3
D. Describes the scope of statutory and regulatory provisions for emergency powers.	O	2-10
E. Distinguishes public health agency powers and responsibilities from those of other governmental agencies, executive offices, police, legislatures, and courts.	O	5-4, 5-8

II. Regulatory Authority/Administrative Law	Level(s)	Related Core Comp.
A. Describes basic legal processes, such as how legislatures create and amend laws, how executive officials enforce laws, and how courts make and interpret laws.	O	2-1
B. Determines procedures for promulgating administrative regulations.	O	8-7
C. Determines procedures for obtaining mandatory or prohibitory injunctions from a court.	O	8-7
D. Follows administrative procedure laws for conducting investigations, holding hearings, promulgating regulations, and provisions concerning open public records.	M, O	1-6, 3-3
E. Weighs options and applies, when necessary, processes to address public health problems through criminal charges for specific behaviors and civil suits for damages.	O	2-4, 2-7, 8-7

III. Ascertaining Authority/Obtaining Legal Advice	Level(s)	Related Core Comp.
A. Identifies legal issues for which legal advice should be sought and knows what action to take where legal issues arise, including contacting legal advisors.	M, O	2-1, 2-7
B. Provides factual assistance and states basic legal issues to legal advisors.	M, O	2-1
C. Reads and comprehends basic statutory and administrative laws.	M, O	2-3
D. Recognizes that legal rules do not always specify a course of conduct.	M, O	2-3
E. Effectively integrates legal information into the exercise of professional public health judgement.	M, O	2-3
F. Develops enforcement strategies consistent with the law and in the interest of protecting the public's health.	M, O	

IV. Law and Public Health Services and Functions	Level(s)	Related Core Comp.
A. Describes how law and legal practices contribute to current health status of the population.	O	5-8
B. Determines how the law can be used as a tool in promoting and protecting the public's health.	M, O	2-4

C. Identifies the mechanisms through which law can deter, encourage or compel health-related behaviors.	M, O	2-5
D. Identifies and exercises legal authorities, responsibilities, and restrictions to assure or provide health care services to populations.	M, O	5-8
E. Identifies and exercises legal authority over the quality, delivery, and evaluation of health care services within the agency's jurisdictions.	M, O	5-8
F. Applies ethical principles to the development, interpretation, and enforcement of laws.	F, M, O	1-6, 8-1

V. Legal Actions	Level(s)	Related Core Comp.
A. Describes how and under what circumstances legal searches of private premises can be performed.	S, M, O	
B. Knows how and under what circumstances legal seizures of private property for public health purposes can take place.	S, M, O	
C. Describes the limits of authority for legally closing private premises.	S, M, O	
D. Identifies legal authority for compelling medical treatment or instituting mandatory screening programs.	S, M, O	
E. Knows legal authority for imposing quarantine, isolation, or other restrictions on the movement or placement of persons.	S, M, O	
F. Identifies provisions for the issuance, revocation, or suspension of licenses, and decides what actions to take to protect the public's health.	S, M, O	2-3
G. Adheres to confidentiality laws in the collection, maintenance, and release of data.	S, F, M, O	1-6

VI. Legal Limitations	Level(s)	Related Core Comp.
A. Recognizes prominent constitutional rights implicated through the practice of public health (<i>e.g.</i> , freedom of speech, right to assemble, freedom from unreasonable searches and seizures, right to privacy, due process, equal protection) and the analytic techniques courts use in enforcing these rights.	S, M, O	2-3
B. Recognizes federal, state, and local statutes or ordinances and major federal or state cases granting rights to individuals and limiting public health authority.	S, M, O	2-3
C. Describes legal protections regarding minors and incompetent persons.	S, M, O	2-3
D. Acknowledges the sources of potential civil and criminal liability of public health workers	S, M, O	2-3

VII. Personnel/Contracts Law	Level(s)	Related Core Comp.
A. Implements practices to legally hire, discharge, and discipline employees.	M, O	2-9, 7-7

B. Applies essential tenets of antidiscrimination laws, such as the Americans with Disabilities Act (ADA) affecting employment practices and the delivery of services.	F, M, O	2-9, 4-1
C. Develops contractual terms when contracting for the delivery of essential public health services that serve to protect the public's health.	M, O	
D. Negotiates, develops, complies with, and terminates contracts with other persons, organizations, and agencies for the provision of essential public health services.	M, O	7-9