

VERSION 2.0 WORK IN PROGRESS: Public Health Law & Policy – What Have We Learned from Accredited Health Departments? August 2019



The Public Health Accreditation Board is a 501(c)3 nonprofit organization dedicated to improving and protecting the health of the public by advancing and ultimately transforming the quality and performance of state, local, tribal, and territorial public health departments.



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This document summarizes what PHAB has learned about how accredited health departments (HDs) are dealing with public policy and law. In particular, it focuses on the reasons that health departments struggled with measures across various domains related to public health policy and law.

Below is a summary of the distribution of assessments for related measures. These data are for 179 HDs assessed under Version 1.0 and 124 HDs assessed under Version 1.5. The assessments are from the Site Visit Report written by the peer reviewers. HDs may have been required to address these measures prior to accreditation (as part of an Action Plan) or following accreditation (as part of an Annual Report). As such, the data reflect HDs at a point in time in their accreditation journey; HDs may have strengthened their capacity in these areas as part of their accreditation work.

Measure	%Fully Demonstrated	%Largely Demonstrated	%Slightly Demonstrated	%Not Demonstrated	N
4.2.1	71.9%	15.8%	6.6%	5.6%	303
4.2.2	86.5%	8.6%	3.3%	1.7%	303
5.1.1	91.7%	4.6%	2.0%	1.7%	303
5.1.2	75.6%	13.5%	7.9%	3.0%	303
5.1.3	61.1%	26.1%	9.2%	3.6%	303
6.1.1 (ver 1.0)	53.6%	27.9%	17.3%	1.1%	179
6.1.1 (ver 1.5)	28.2%	48.4%	23.4%	0.0%	124
6.1.2	80.2%	9.6%	5.6%	4.6%	303
6.2.1	68.3%	24.1%	6.6%	1.0%	303
6.2.2	96.4%	1.7%	1.0%	1.0%	303
6.2.3	94.7%	3.0%	1.3%	1.0%	303
6.3.1	85.5%	12.2%	2.0%	0.3%	303
6.3.2	64.7%	25.7%	8.3%	1.3%	303
6.3.3	67.0%	24.8%	7.9%	0.3%	303
6.3.4 (ver 1.0)	50.8%	27.9%	19.0%	2.2%	179
6.3.4 (ver 1.5)	33.9%	41.1%	23.4%	1.6%	124
6.3.5	53.1%	30.4%	14.5%	2.0%	303
12.1.1	90.8%	7.6%	1.7%	0.0%	303

To better understand HDs' performance on these Measures, PHAB conducted an analysis of the conformity comments of HDs that were assessed as Not or Slightly Demonstrated (ND/SD) in at least 5% of the first 303 Site Visit Reports. The results of those analyses are shown below. For each Measure, the most common reasons for the assessment are listed, including the number of HDs for which that reason was indicated. One HD could have multiple reasons listed. The reasons are linked to specific required documentation listed in the PHAB Standards and Measures. For reference, please see: https://www.phaboard.org/wp-content/uploads/2019/01/PHABSM_WEB_LR1.pdf.

Measure 4.2.1: Engagement with the community about policies and/or strategies that will promote the public's health

Among the 31 HDs assessed as ND/SD, the most common challenges were documentation that failed to demonstrate:

- Engagement (dialogue) with the group that will be most affected by a policy (17 HDs)
- Engagement (dialogue) with the community in general (15 HDs)
- How activities related to a policy or strategy (11 HDs)

Measure 4.2.2: Engagement with governing entities, advisory boards, and elected officials about policies and/or strategies that will promote the public's health

Among the 15 HDs assessed as ND/SD, the most common challenges were documentation that failed to demonstrate:

- Addressing policies/strategies to promote/support public health (e.g., education materials) (9 HDs)
- Engagement with the governing entity (7 HDs)

Measure 5.1.2: Engagement in activities that contribute to the development and/or modification of policy that impacts public health

Among the 33 HDs assessed as ND/SD, the most common challenges included documentation that failed to demonstrate:

- HD influence or advice on policies that impact public health (21 HDs)
- HD provision of two of the three items listed (e.g., HD only provided documentation of one of the following, rather than the required 2: informational materials, public testimony, or participation in an advisory/work group) (9 HDs)

Measure 5.1.3: Informed governing entities, elected officials, and/or the public of potential intended or unintended impacts from current and/or proposed policies

Among the 39 HDs assessed as ND/SD, the most common challenges included:

- Documentation of materials distributed did not address policy impacts (17 HDs)
- Failure to produce a science-based impact statement or factsheet (12 HDs)
- Documentation submitted did not link to policy (10 HDs)

Measure 6.1.1: Laws reviewed in order to determine the need for revisions

Among the 62 HDs assessed as ND/SD, the most common challenges were deficiencies in documentation of the following:

- Requirement 1c – Documentation of stakeholder input on proposed and/or reviewed laws (43 HDs)
- Requirement 1b – Documentation of model public health laws, checklists, templates and/or exercises in reviewing laws (40 HDs)
- Requirement 1a – Documentation demonstrating evaluation of laws for consistence with public health evidence-based and/or promising practices (38 HDs)

Version 1.5 introduced the requirement to evaluate the impact of the law on health equity.

- Of 31 HDs assessed as ND/SD under Version 1.5, 15 didn't document consideration of health equity.

Measure 6.1.2: Information provided to the governing entity and/or elected/appointed officials concerning needed updates/amendments to current laws and/or proposed new laws

Among the 31 HDs assessed as ND/SD, the most common challenge was:

- Documentation submitted did not represent a written review/recommendation of existing or proposed laws (23 HDs)

Measure 6.2.1: Department knowledge maintained and public health laws applied in a consistent manner

Among the 23 HDs assessed as ND/SD, the most common challenges were:

- Requirement 1 – Training not about enforceable laws (13 HDs)
- Requirement 2 – Documentation does not address consistent application of public health laws (12 HDs)
- Requirement 1 – Evidence of who completed training incomplete/missing (6 HDs)

Measure 6.3.2: Inspection activities of regulated entities conducted and monitored according to mandated frequency and/or a risk analysis method that guides the frequency and scheduling of inspections of regulated entities

Among the 29 HDs assessed as ND/SD, the most common challenges were deficiencies in documentation of the following within a database or log of inspection reports:

- Final disposition (16 HDs)
- Follow-up (15 HDs)
- Return inspections (15 HDs)
- Actions taken (14 HDs)
- Current status (14 HDs)

Measure 6.3.3: Procedures and protocols followed for both routine and emergency situations requiring enforcement activities and complaint follow-up

Among the 25 HDs assessed as ND/SD, the most common challenges were deficiencies in documentation of the following:

- Requirement 1 – Standards for follow-up to complaints (15 HDs)
- Requirement 1 – Analysis of situation around complaint (13 HDs)
- Requirement 1 – Actions taken due to investigation/complaint (9 HDs)
- Requirement 2 – Communication with regulated entities regarding complaints (8 HDs)

Measure 6.3.4: Patterns or trends identified in compliance from enforcement activities and complaints

Among the 69 HDs assessed as ND/SD, the most common challenges were incomplete/missing documentation of the following:

- Requirement 1 – Documentation of trends of complaints, enforcement activities, or compliance (50 HDs)
- Requirement 1 – Summary of enforcement activities or compliance (34 HDs)
- Requirement 2 – Documentation of debriefings or other evaluations on enforcement (26 HDs)
- Requirement 2 – Evaluation/debrief that includes process improvements (19 HDs)
- Requirement 1 – Summary or tally of complaints (16 HDs)
- Requirement 1 – Inclusion of an annual report/summary (14 HDs)
- Requirement 2 – Documentation of enforcement activities (12 HDs)

Measure 6.3.5: Coordinated notification of violations to the public, when required, and coordinated sharing of information among appropriate agencies about enforcement activities, follow-up activities, and trends or patterns

Among the 50 HDs assessed as ND/SD, the most common challenges among HDs assessed as Not or Slightly Demonstrated fell into two major categories:

- Deficiencies in protocols for communication or application of those protocols
 - Requirement 1 – Protocols for notifying the public of enforcement activities (25 HDs)
 - Requirement 3 – Examples of notification of enforcement activities that tie back to protocols provided (16 HDs)
 - Requirement 1 – Protocol that addresses interagency communication (15 HDs)
- Documentation provided does not address enforcement activities:
 - Requirement 1 – Communication protocol for interagency notifications (20 HDs)
 - Requirement 2 – Protocol for notifying the public of enforcement activities (14 HDs)
 - Requirement 3 – Examples of notification of enforcement activities (14 HDs)