

Law, Emergencies, and the Public Health System

Emergencies and the Public Health System

The public health system plays a critical role in emergency planning, response, and recovery activities. When an emergency occurs, such as a natural disaster or a major infectious disease outbreak, personnel within the [public health system](#) participate in all aspects of a response. For example, members of the public health workforce may distribute and administer vaccinations, assist in triaging and transporting affected individuals, and engage in risk communication activities. Even if they are not designated as first responders, members of the public health workforce are important players in emergency preparedness and response because they help to ensure that the public health system functions effectively despite emergency conditions.

Law, Public Health, and Emergencies

During a public health emergency, laws at the federal, state, and local levels establish key parameters for a response. At the federal and state levels, a declaration of emergency determines the geographic scope of a response and may be the catalyst for specific emergency operating plans to go into effect. As part of an emergency response, licensure laws may be temporarily waived to allow out-of-state health care professionals to practice in the affected state. Interstate and intrastate emergency agreements may be activated, allowing interjurisdictional coordination of response personnel and health care supplies.

Emergencies vs. Public Health Emergencies

The federal government distinguishes between emergencies or disasters and “public health emergencies.” At the federal level, a Presidential disaster declaration is generally made in response to a Governor’s request for assistance due to a disaster that has overwhelmed the affected state’s resources. Presidential [disaster declarations](#) have been issued in response to varied conditions, including severe storms, extensive flooding, and explosions.

A separate federal declaration of [public health emergency](#) may be made by the Secretary of the U.S. Department of Health and Human Services. This declaration provides support for the federal government to engage in response activities, such as outbreak investigations, and is required before certain legal rules (e.g., parts of the [HIPAA Privacy Rule](#)) can be temporarily waived. The federal government has issued [public health emergency declarations](#) in response to hurricanes, severe floods, and H1N1 influenza.

State-Level Variation in Emergency Preparedness Laws

At the state level, every state can declare an emergency or disaster while approximately half of the states allow for a distinct declaration of public health emergency. All states have joined the [Emergency Management Assistance Compact](#), which allows for interstate collaboration in the event of an emergency. Some states have additionally joined regional emergency management agreements, and many states have executed their own [intrastate emergency agreements](#) to allow localities or other entities within a state to share resources or otherwise aid emergency responses.

Additional Information

For additional information about law, emergencies, and public health systems, click [here](#).

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