

King County Healthcare Emergency Coalition Legal Workgroup Charter

<p><i>Participants:</i></p> <p><u>Executive Sponsor:</u> Coalition Steering Committee</p> <p><u>Team Members:</u> Jeff Sconyers, General Counsel, Children’s Hospital Kristin Miles, Assistant Attorney General, University of Washington Rohana Fines, Counsel, Legal Department, Group Health Cooperative</p> <p><u>Staff Support:</u> Amy Eiden, Public Health – Seattle & King County</p>	<p><i>Timeline:</i></p> <p>Start Date: June 2006</p> <p>End Date: to operate concurrently with other Coalition activities</p>
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<p><i>Consultants</i></p> <p>Joyce Roper, Senior Assistant Attorney General, WA State Office of the Attorney General Kathy Stout, Senior Policy Advisor, WA State Department of Health Ellen Miyasato, Assistant Regional Counsel, U.S. Department of Health and Human Services</p>	<p><i>Stakeholders</i></p> <p>Washington Office of the Attorney General Washington Department of Health King County Medical Society King County Executive Public Health – Seattle & King County WSHA</p>
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Objectives & Scope

<ol style="list-style-type: none"> 1) Compile legal issues identified by Coalition Workgroups. 2) Analyze legal issues, including liability issues, presented by models for surge capacity (alternate facilities; altered standards of care; staffing). 3) Assess whether legal issues can be clearly addressed under existing state and federal law. 4) Identify gaps in laws/rules. 5) Propose options to address gaps in laws/rules. 6) Provide information to attorneys who advise Coalition members. 7) Offer education to the legal community, including members of the judiciary.

Deliverables

<ol style="list-style-type: none"> 1) Guidance to other Workgroups, Executive Council, and Steering Committee about current state and federal laws/rules that relate to public health emergencies. 2) Recommendations to clarify and/or enhance legal readiness for a public health emergency. 3) Products and strategies for education of the legal community, including attorneys who advise Coalition members and members of the judiciary.

Assumptions

1) Relevant information will include pending document from AAG and DOH, which will be reviewed by existing informal workgroup of attorneys (AAG, DOH, PHSKC, Tacoma-Pierce County Health Dept., Children's Hospital, and WSHA). The document is expected to describe current state laws and rules that are relevant to public health emergencies.

2) Identification of legal issues will evolve as coalition planning proceeds. Issues already identified during prior work include:

- Waiver of laws and regulations during an emergency – extent of authority; limits
- Licensing and credentialing during an emergency
- Volunteers – liability protection and workers compensation
- Liability protection for providers and hospitals during communicable disease emergency and/or emergency in which medical care cannot be provided at normal standards of care
- Isolation and quarantine – enforcement; lost wages; hospital effects if isolation/quarantine occurs at hospital
- Compensation to a health care facility for loss of income resulting from government-ordered use
- Dispensing and vaccination – applicability of normal rules during mass situations, mandatory treatment or vaccination; liability protection
- Government authorities – extent of authorities to order (a) community containment measures, (b) actions by health care facilities and providers
- Government jurisdiction – local/state/federal/tribal; local health/emergency management
- Third-party payor cost-sharing
- Mutual aid and/or other mechanisms for resource sharing
- Privacy laws during an emergency

3) It is important to distinguish between: (a) the types of legal issues that can be solved by waiving normal requirements during an emergency, eg certain professional licensing requirements, and (b) the types of legal issues that cannot be solved by waivers, eg liability protection for persons and entities who are working in situations of abnormal levels of risk.