



STEPPING UP IN A PUBLIC HEALTH CRISIS



LAST WINTER, THE pandemic that shut down much of the world launched a profound focus for many researchers at the University of Maryland Francis King Carey School of Law. Faculty and staff, notably in the Law & Health Care Program and the Center for Health and Homeland Security (CHHS), concentrated their expertise toward assisting the state of Maryland and the nation in facing the virus that hit every continent, causing

widespread deaths and global economic catastrophes.

Some headed to the front lines of public health and emergency centers, working on-site and often non-stop, in Baltimore City and surrounding counties. Others offered legal and ethical support to government agencies, medical institutions, local businesses and nonprofits, professional organizations, public utilities, and international airports. Experts answered countless media, email

and phone queries. They produced podcasts and webinars, wrote op-eds, and developed online resources and tools to track executive orders and advise on the allocation of scarce medical resources and liability of health care workers and institutions.

Reaching Out

Prof. Diane Hoffmann is a top scholar in health law and director of Maryland Carey Law's Law & Health Care Program. She also directs the Maryland Healthcare

Ethics Committee Network (MHECN), a membership organization based at the law school, for ethics committees at hospitals and other health care facilities throughout Maryland. Since the 1990s, Hoffmann has led MHECN in providing advice and ethics resources and conducting research to inform changes to health care policies and practices.



As COVID-19 cases were rising in Maryland, Hoffmann and colleague Anita Tarzian, of the University of Maryland School of Nursing, saw a need to help healthcare networks and the public prepare for the possible implementation of an allocation plan for scarce medical resources, particularly ventilators. They formed a COVID-19 working group drawn from MHECN with frontline physicians, nurses, respiratory therapists, bioethicists, clergy, other members of ethics committees, and current and former assistant attorneys general. In March, they began holding twice weekly video conferences with the working group.

As the spring went on, the working group expanded its focus to help reduce inappropriate hospital admissions upstream and avoid hospital discharge back-ups through hospital coordination with long-term care and hospice partners. Additionally, the group collaborated with long-term care colleagues to address their challenges in accessing sufficient personal protective equipment and COVID-19 tests.

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“Providing this forum has spurred knowledge-sharing among healthcare facilities across the state,” says Hoffmann, “making way for an informal consistency in ethical frameworks and practical solutions, while providing support to concerned administrators and clinicians.”

The working group continued to meet throughout the summer planning for the possibility of another surge.

Also housed within the Law & Health Care Program is the Network for Public Health Law’s Eastern Region office, directed by Prof. Kathleen Hoke ’92. The Network, with five offices around the country, provides technical legal assistance to public health officials, legislators, researchers, non-profit and community organizations, and individuals seeking to improve public health through law and policy change. As the virus caught fire, the Network began offering multiple resources on COVID-19, including webinars, fact sheets and scholarly work, along with direct access to law and policy experts. Through the Network, Hoke has advised officials on how state and local governments can protect people experiencing homelessness when a jurisdiction is under a stay-at-home order. The Network’s Eastern Region’s associate director Mathew Swinburne ’08 published work on the Network’s website around the issues of food insecurity and access to broadband for students as a public health issue during the pandemic. Kerri Lowrey ’99, deputy director of the Eastern Region, produced work on health information privacy during COVID-19, as well as protection of renters through eviction moratoria.

Demand for Network assistance has been so urgent that Hoke was able to hire four Maryland Carey Law interns for the summer, providing employment for students when many summer opportunities

had disappeared because of the pandemic.



Hoke also directs the Legal Resource Center (LRC) for Public Health Policy at the law school with its two staff attorneys and chief of staff. The LRC supports public health officials in Maryland on issues related to tobacco and injury prevention. In this capacity, Hoke worked with tobacco control lawyers across the country on the impact of the virus on vape shops and whether they can or should be considered essential businesses during a shutdown. Since the pandemic began, assisting local health departments with their tobacco control efforts has been the main focus for LRC lawyers Brooke Torton ’12 and Blair Inniss ’13.

“Public health officials and their staff have faced the pandemic with intelligence, courage, and compassion,” says Hoke. “That my team and I are able to help them through the minefield of laws that intersect with their work is an honor and the very least we can do to support them.”

Boots on the Ground

Meanwhile the Center for Health and Homeland Security, founded in 2002 by law school professor Michael Greenberger, also turned its efforts toward pandemic response. In its nearly two decades, the center has developed playbooks to respond to a broad range of emergencies for some 80 clients worldwide, including tactical responses for infectious pathogens Ebola, SARS, MERS, H1N1, Zika, and seasonal flu.

So, the more than 40 professionals at the center, many of whom are Maryland Carey Law graduates, were specially prepared to assist state and local leaders with legal analysis regarding the powers and responsibilities of state and county executives, health departments, and emergency management departments.

“I think it can be fairly said CHHS has been doing all COVID, all the time,” says Greenberger, who was in demand for interviews by top media outlets around the world since the earliest days of the pandemic. “We are doing real-time emergency responses.”

Some CHHS staffers are assigned to the front lines of county public health agencies. Netta Squires '18, a senior law and policy analyst, works in the Montgomery County Office of Emergency Management, where she went from writing to implementing the county's plan on volunteer management when the pandemic hit. Law and Policy Analyst Hassan Sheikh '18 is embedded in the Baltimore City office. He coordinated the complicated process of distributing limited PPE supplies to city hospitals and healthcare facilities. By summer he had an endless list of public health projects that needed to be COVID safe, including protecting the medically fragile from extreme heat, setting up vaccination clinics, and maintaining alcohol and drug prevention programs.



Other CHHS lawyers serve multiple clients. Trudy Henson '08, CHHS's public health

program director, is skilled in policies, planning, writing legal handbooks and conducting table-top and large-scale drills for public health emergencies and other disasters. She spent countless hours on Zoom throughout the spring and summer advising clients about concerns for re-opening, reviewing plans and policies, and refining emergency operations plans. She produced 10 COVID-related podcasts covering the pandemic's effects on mental and behavioral health, and governors' executive orders, among other subjects. In May, Henson walked lawyers and law firms through procedures to resume normal operations via a webinar with the Maryland State Bar Association. Initially, Henson was focused on helping businesses implement best practices for protecting operations and conducting partial or full shut-downs. As states began to reopen, she received an uptick in questions from businesses about how to keep their employees and their clients safe. During webinars, she offered advice on everything from teleworking to vitamin-D deficits. Under the microscope were top to bottom evaluations of the transportation systems employees use to get to work, HVAC systems, elevator use and open-air cubicles—“deeply problematic when talking about physical distance,” notes Henson.

At the beginning of the summer, Henson was named to Attorney General Brian Frosh's COVID-19 Access to Justice Task Force, along with Maryland Carey Law Dean Donald Tobin, to address challenges arising from the epidemic, including access to legal advocacy on housing, civil rights, and public benefits.

Training Leaders

With the pandemic raging on, the demand for legal expertise in health law and crisis management parallels the increasing need for training in these areas. Maryland Carey Law is meeting that need through academic programs

preparing the next generation to step up in a crisis.

The Law & Health Care Program offers a Health Law certificate within the JD program and Health Law specialties in the LLM and MS in Law programs. Students put theory into practice in multiple clinics, including the Public Health Law Clinic, led by Hoke.



CHHS faculty at Maryland Carey Law offer courses leading to a certificate in Cybersecurity and Crisis Management Law in the JD program and a specialization in the Master of Laws (LLM) program. Two online-only Master of Science in Law programs for non-JD students, one in Cybersecurity and one in Homeland Security & Crisis Management Law are also available. In addition, a Master of Professional Studies in Public Safety launched this fall in conjunction with the University of Maryland, College Park, along with a joint JD/MPS in Cybersecurity with the University of Maryland, Baltimore County. Students in these programs work on CHHS projects with real-world clients through an extensive externship program at the center.

“As the world faces unprecedented emergencies, the need for expertise in health law and emergency management grows increasingly urgent,” says Tobin. “We are proud to be on the leading edge of this important work.” ■

Ginny Cook and Wanda Haskel contributed to this story.