



Glossary

A

Administrative agencies: Government regulatory bodies like health departments or the Food and Drug Administration.

Administrative decisions: Decisions made by agencies authorized to make rules and regulations.

Administrative law: The body of law that governs the activities of administrative agencies.

C

Case law: Law that is established by the outcome of former legal actions.

Civil liability: The potential responsibility that a person or entity may owe for their actions, or failures to act, that result in measurable injuries or losses to others.

Constitutional provisions: A rule or law that comes from the Constitution itself and not from statutory or common law.

Covered entities: A health plan, health care provider, or health care clearinghouse that transmits health information in electronic format in connection with a transaction the Department of Health and Human Services has created standards for.

Covered function: Under HIPAA, any function the performance of which makes the performer a health plan, a health care provider, or a health care clearinghouse.

Crisis standard of care: In a declared emergency, hospitals and practitioners adapt the standard of care to screen and treat increasing numbers of patients using limited resources.

E

Emergency Management Assistance Compact (EMAC): A mutual aid agreement that allows states to share resources after an emergency or disaster is declared.

Emergency Medical Treatment and Active Labor Act (EMTALA): This federal act requires that hospitals screen all patients who come to the emergency department regardless of their insurance status or ability to pay.

Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP): A national network of state-based volunteer registries.

Emergency Use Authorization (EUA): The US Food and Drug Administration may issue an EUA to permit the use of unapproved medical products (or unapproved uses of approved products) during a federally-declared state of emergency.

Express preemption: When the language of a federal statute specifically states

Congress' intent to supersede state law.

F

Federalism: The division of power between the federal government and state governments.

Freedom of contract: The freedom to make contracts without unreasonable legal regulations.

H

HIPAA: The Health Insurance Portability and Accountability Act protects patient health data.

Home rule: The legal authority of local jurisdictions (e.g., cities, municipalities, counties) to adopt laws that govern their jurisdiction (without conflicting with state or federal law). The extent of this authority is determined by state law, generally the state Constitution.

Hospital privilege: Hospitals grant privileges to health care providers to practice at their facilities. This means that the provider has been granted permission to provide health care to patients based on verification of the provider's qualifications, certifications, and relevant experience.

I

Imminent health hazard: A significant threat or danger to health when there is evidence to show that a product, practice, circumstance, or event creates a situation that can cause food infection, food intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate action to prevent injury, illness, or death.

Isolation: A public health practice used to stop or limit the spread of disease. Isolation is used to separate ill persons who have a communicable disease from those who are healthy. - CDC

M

Medical Reserve Corps (MRC): Office of Civilian Volunteer Medical Reserve Corps coordinates thousands of units across the country.

Mutual aid agreements: Advance legal agreements that can specify who is legally and financially responsible for the actions of volunteers and employees providing aid to another jurisdiction during an emergency.

Model State Emergency Health Powers Act (MSEHPA): This act was written to modernize and harmonize legal authority across jurisdictions in emergencies involving public health. It addresses individual rights, special authority for officials, volunteer liability protections, and credentialing for health care professionals. The act is not adopted wholly in all states.

N

The National Emergencies Act: This act regulates the US President's power when declaring a national emergency. It states that the extra powers of the president or executive branch granted by a declaration of a state of emergency expire two years

after the declaration. It also requires the President to specify which powers will be invoked, such as seizing property or restricting travel.

O

Outbreak: There are more cases of disease than normally expected within a specific place or group of people over a given period of time.

P

Pandemic and All- Hazards Preparedness Reauthorization Act of 2013 (PAHPRA):

This act reauthorized the Pandemic and All-Hazards Preparedness Act of 2006. It also contains legal authorities to strengthen the preparedness for public health emergencies that involve chemical, biological, radiological, or nuclear agents, as well as emerging infectious disease threats.

Personal identifiers: Specific types of protected health information covered under the privacy rule of HIPAA. For example, names, phone numbers, social security numbers, and account numbers are all personal identifiers.

Police powers: The authority to enact and enforce legislation and regulations to protect the welfare, health, and safety of the population.

PREP Act: The Federal Public Readiness and Emergency Preparedness Act of 2005 (PREP Act) authorizes the Department of Health and Human Services Secretary to grant liability protection to individuals and entities (businesses and non-profits) for the use of covered countermeasures during a federally declared emergency.

Procedural due process: Due process clauses of the fifth and fourteenth amendments to the US constitution state that the government shall not take a person's life, liberty, or property other than through appropriate legal action.

Protected health information: All information related to physical and mental health conditions, provision of health care, and payment for health care that can be connected to a specific person.

Public health emergency: An event or imminent threat of illness or health condition that (1) is believed to be caused by bioterrorism, an infectious agent or biological toxin, or a chemical attack or accidental release and (2) has a high probability of causing a large number of deaths, disabilities, or risk of substantial future harm.

Q

Quarantine: A public health practice used to stop or limit the spread of disease. Quarantine is used to separate and restrict the movement of well persons who may have been exposed to a communicable disease to see if they become ill. - CDC

R

Regulations: Principles, rules, or laws designed to control or govern conduct.

S

Sovereign immunity: Sovereign immunity protects the government through legal restrictions preventing lawsuits against the government in most circumstances.

The Stafford Act: Provides statutory authority for most federal disaster response activities.

Standard of care: An assessment of care a physician or practitioner must provide based on what a reasonable physician or practitioner with like training would do in similar circumstances (“reasonable physician” standard), or based on what the prevailing custom or practice for medical treatment is in a specific locale (“custom or practice” standard).

Statute: A written law passed by a legislative body.

Substantive due process: The government may not interfere with individuals’ rights without adequate constitutional justification.

Supremacy clause: A clause in the US Constitution stating that the Constitution and federal laws override state and local laws.

V

Volunteer Protection Act of 1997: Provides protection to volunteers working on behalf of non-profits or governmental entities in an emergency, provided the volunteer is properly licensed or certified and is acting within the proper scope of his or her duties.