



# TRACIE

HEALTHCARE EMERGENCY PREPAREDNESS  
INFORMATION GATEWAY

Regulatory and Legal Issues for Healthcare Systems in Disasters  
Topic Collection  
6/1/2015



## Topic Collection: Regulatory and Legal Issues for Healthcare Systems in Disasters

In times of crisis, medical practitioners are often asked to serve under environments that are more frenetic than usual. Over the past decade, the Federal government has passed several Acts and created programs that can help emergency health practitioners respond in these environments with certain liabilities waived and human and material resources released. The following resources highlight select Acts, recent case studies, lessons learned, tools, and promising practices that can help emergency medical practitioners better understand the federal/healthcare laws that may apply in times of crisis.

*This ASPR TRACIE Topic Collection is in development and will be comprehensively reviewed in the fall of 2015. If you have resources to recommend for inclusion in this Topic Collection, specifically illustrative examples, plans, tools or templates, please email your recommendations to [askasprtracie@hhs.gov](mailto:askasprtracie@hhs.gov).*

Chu, V. (2011). [Emergency Response: Civil Liability of Volunteer Health Professionals](#). Library of Congress, Congressional Research Service.

The author provides an overview of the federal and state liability protections available to voluntary health providers who respond to disasters.

Hodge, J. and Brown, E. (2011). [Assessing Liability for Health Care Entities that Insufficiently Prepare for Catastrophic Emergencies](#). (Abstract Only.) Journal of the American Medical Association, 306(3): 308-309.

This article elaborates on lawsuits in the United States against hospitals and other health care entities alleging liability for patient harms.

Hodge, J. and White, L. (2012). [Model State Emergency Health Powers Act: Summary Matrix](#). Robert Wood Johnson, Network for Public Health Law.

This matrix provides state-specific links to statutory or regulatory provisions related to the major sections of the Model State Emergency Health Powers Act.

Hodge, J., Orenstein, D., O'Keefe, S., et al. (2012). [Public Readiness and Emergency Preparedness \(PREP\) Act: Scope of Liability Protections](#). Robert Wood Johnson, Network for Public Health Law.

The authors explain that non-governmental entities or persons are covered under liability protections of the federal PREP Act, and that non-federally owned stockpiles of covered countermeasures are also covered by the Act.

Orenstein, D. (2011). [Pandemic and All-Hazards Preparedness Reauthorization Act \(PAHPRA\) of 2013: State-Based Isolation or Quarantine Procedures](#). Robert Wood Johnson Foundation, Network for Public Health Law.

This memorandum provides links to a sample of language from state statutes, regulations, and model law regarding confidentiality measures relevant to state-based isolation or quarantine procedures.

United States Congress. (2013). [Stafford Act: Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, April 2013](#).

The Stafford Act establishes the statutory authority for most Federal disaster response activities and assistance to state and local governments. In particular, the Stafford Act creates the system for Federal financial and physical assistance during a presidential disaster declaration.

United States Department of Health and Human Services. (2006). [HIPAA Privacy Rule: Disclosures for Emergency Preparedness - A decision tool](#).

This guidance can help users in determining how HIPAA applies to the information in question. Users can go to the question that relates most closely to their inquiry and follow the flow of information to locate a response.

United States Department of Health and Human Services. (2009). [Requesting an 1135 Waiver](#).

When the HHS Secretary declares a public health emergency under Section 319 of the Public Health Service Act, s/he may temporarily waive or modify certain requirements to ensure that there are enough health care resources and services available to meet the needs of the public's health. This document highlights examples of waivers and other related information.

United States Department of Health and Human Services. (2013). [Frequently Asked Questions: Declared Public Health Emergencies: All Hazards, Health Standards and Quality Issues](#).

This document provides answers to frequently asked questions about healthcare delivery after natural and human-caused disasters.

United States Department of Health and Human Services, Office of the Secretary. (2009). [Waiver or Modification of Requirements Under Section 1135 of the Social Security Act](#).

This waiver was created to ensure that there would be sufficient health care items and services to meet the needs of individuals enrolled in the Medicare, Medicaid, and CHIP programs. The waiver also ensures that practitioners who provide these items and services may be reimbursed and exempt from certain non-compliance sanctions.

United States Department of Homeland Security. (2011). [National Infrastructure Protection Plan: Healthcare and Public Health Sector.](#)

This factsheet provides an overview of how the National Infrastructure Protection Plan applies to the healthcare and public health sector.

United States Department of Homeland Security. (2011). [Presidential Policy Directive / PPD-8: National Preparedness.](#)

In 2011, President Obama directed the development of a national preparedness goal that stressed security and resilience through preparation for natural and human-caused events.

United States Food and Drug Administration. (2013). [Emergency Preparedness and Response: Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 \(PAHPRA\).](#)

This act contains legal authorities to help bolster and maintain U.S. preparedness for public health emergencies related to chemical, biological, radiological, and nuclear (CBRN) agents, and emerging infectious disease threats. Links to legislative information, emergency use of medical countermeasures (MCM), and authorities related to MCM development are also provided.