



Public Health Law Research: Making the Case for Laws That Improve Health

A Progress Report

INTRODUCTION

The Robert Wood Johnson Foundation (RWJF) launched [Public Health Law Research: Making the Case for Laws that Improve Health](#) in 2009 to build the evidence for public health law and policy, and translate research findings into practical tools that policy-makers, public health practitioners, and leaders in other fields and venues can use to increase the support for and use of law to improve and protect the public's health. The eight-year \$19 million program is managed by a research team at Temple University's Center for Health, Law, Policy and Practice in Philadelphia led by Scott Burris, JD. The program runs through 2016.

In three rounds of funding to date, Public Health Law Research has awarded more than 50 grants supporting legal analysis and research about the health impacts of specific laws and regulations. A fourth round of funding happens in the fall of 2012. The Temple research team is assisted by a group of well-respected researchers in the field—called a “methods core”—who advise grantees as well as conduct their own research.

WHAT IS THE PROGRAM ABOUT?

The aim of *Public Health Law Research* (PHLR) is to strengthen the use of regulatory, legal, and policy solutions to improve public health and help people lead healthier lives. The program achieves this aim by funding research to build evidence for the impact of public health law on the health of populations. It also seeks to identify and ameliorate laws and legal practices that unintentionally harm health.

“From a scientific perspective when you look at all the possible interventions to improve health, law is one of the cheapest and most efficient,” said Heidi Grunwald, PhD, deputy director of the *Public Health Law Research* program. “The largest strides in public health history have been through law—seat belt laws, helmet laws, clean indoor air laws, and tobacco control.”

By funding top researchers to produce foundational tools and frameworks, the *Public Health Law Research* program is building the field of public health law research. The

emphasis on field building is a unique aspect of the program, said Debra Rog, PhD, president of the Rockville Institute, the evaluator of the initiative.

“The program is also focusing on building the field across disciplines, said Mary Story, PhD, RD, professor of epidemiology at the University of Minnesota School of Public Health. Story is also a member of the national advisory committee that reviews and recommends research projects and also provides strategic planning advice about future program directions. Click [here](#) for a list of advisory committee members.

“If you are talking about public health law, the national advisory committee has to be made up of more than just researchers with a law background,” said Story. “Public health is inherently multidisciplinary. In order to deal with any of these complex health problems, you really have to have transdisciplinary training and representation on a national advisory committee.”

Most legal scholars funded by PHLR are collaborating with experts in other disciplines, including epidemiology, sociology, and economics. “That’s what is really exciting,” Story said. “They are building a multidisciplinary and transdisciplinary field by bringing researchers together to say that there are critical public health issues in the United States.”

Some of the specific questions that research funded through this program seek to answer are:

- How do laws influence health and health behavior?
- Which laws have the greatest impact?
- Can current laws be made more effective through better implementation or revision?

The program also supports efforts to improve scientific methods to study the impact of laws on health.

WHAT PROBLEM IS THE PROGRAM ADDRESSING?

Public health law has received considerable attention in recent years, becoming an essential field in public health, according to Burriss, director of the *Public Health Law Research* program. Prior to this program, however, public health law research—defined as the scientific study of the relation of law and legal practices to population health—had received less attention.

“For 30 years or longer people have been saying that law is an important tool for public health, but the research to say what works and what doesn’t has really languished,” said Burriss. “We were in a situation where there was ever greater interest in using law to

improve public health, but the capacity to know what works and what doesn't wasn't there.¹

“The fundamental problem is that measuring the effects of law on health is not easy. Passing a law or making a rule aimed at improving the health of the population is easy enough, but it is much harder to know whether the law is making a difference, and if it is, why.”

“Some laws work and some don't,” added Angela McGowan, JD, MPH, senior program officer who directs the program at RWJF. “We don't necessarily use science to determine which ones work or don't. A lot of times legislation is modified based on a legislator hearing a story. If we were telling people they need laws, we needed to find out if they worked or not. We wanted to get people to learn what works and pull together the right team to make sure it is done in a scientific and rigorous way.”

Burris reinforced this point. “Ultimately, it requires both a pretty sophisticated understanding of how law and legal systems work and how to do empirical research on health and health behavior. Generally speaking the legal researchers who have the most sophisticated understanding of how law works have not been interested in doing research on public health law.

“The people doing research on health and health behavior were not comfortable in working in law or knew how to do it right... We didn't have the interdisciplinary teams and approaches that we needed to start expanding the quality and quantity of this kind of research. We were starting almost from scratch.”

“A big gap is that most public health officers are medical professionals and they don't look at the policy or politics,” said Susan Gerard, MBA, national advisory committee chair and former director of the Arizona Department of Health Services. “They never think about how law can improve public health. I think there is a lot of value in showing them how that can be done.”

Public Health Law Research is part of a larger effort by the Public Health Team at RWJF to explore and support policy and legal solutions to health. In 2010, RWJF launched a companion program, the [Network for Public Health Law](#), which connects public health officials, advocates, policy-makers, lawyers, and other practitioners and provides them with training and technical assistance in the use of law and policy as a public health tool.

¹ Burris S, Wagenaar AC, Swanson J, Ibrahim JK, Wood J and Mello MM. “Making the Case for Laws That Improve Health.” *Milbank Quarterly*, 88(2): 169–210, 2010. Available [online](#).

HOW DOES THE PROGRAM WORK?

The *Public Health Law Research* program is achieving its aim of building the field through three core activities:

- Funding original research and evaluation related to public health laws and their impact
- Providing technical assistance to researchers funded through the program
- Supporting communication, outreach, and translation of research findings into practical tools for policy-makers and public health practitioners.

The program awards grants to individual scholars for studies that integrate legal analysis and empirical research to determine the effects of laws and policies on the health of the public.

Grants of up to \$150,000 for 18 months are awarded for short-term studies of the health effects of specific laws or regulations. Grants of up to \$450,000 over a 30-month period fund complex and comprehensive studies, including multistate analyses and evaluations of laws that cross a variety of jurisdictions and fields. Grants are also awarded for time-sensitive studies on pending or recently passed legislation.

Through 2011, the program has awarded more than 40 grants in three rounds of funding. The national program office released a call for proposals for a fourth round of funding in early 2012, with funding to start in November.

Researchers funded under the program receive technical assistance from the “methods core,” well-known academic scholars in public health law who represent a broad range of disciplines, including epidemiology, criminology, sociology, and policy research, among others. Members are from Temple, Duke University, Yale University, the University of Florida, and other academic institutions. Click [here](#) for a list of methods core members.

In addition to providing technical assistance to funded researchers, methods core members conduct their own research, producing papers, podcasts, webinars, and other materials to help lay the foundation for rigorous research in public health law.

Along with field building, the methods core is another unique feature of the PHLR program, said program evaluator Rog. “You don’t usually have this level of folks committed in this kind of program. Here you have a concentrated effort by some of the best people in the field... They meet by phone weekly. They are developing tools to help guide people to do this research.”

Grunwald agreed, adding “The methods core has created a gold standard in research design and research analysis in terms of the evidence we are creating. We have found people at the top of the methodology and design game, and they hold grantees to a high

standard. If the grantees are not there, the methods core gives them technical assistance to help them. When their research comes out, it's at the top of the scientific game.”

In addition to the methods core, the national program office is staffed by leaders in the field, who also conduct their own research, an unusual feature for an RWJF national program. RWJF's McGowan explained the rationale. “It is important to keep those researchers interested and able to carry out their own investigations. Especially in a small field like public health law research, it's important to let people who are the experts stay the experts by doing their own research.”

Finally, several of the members of the national advisory committee have served as health officers, health counsel, or legislators, and can provide feedback on the real-world needs for research.

This wide range of expertise and experience is essential for achieving the program's aims, according to Burris. “We are trying to speak to a diverse audience. No one person can really understand that audience or their needs.”

To meet diverse needs, researchers are producing a wide array of products and materials, including evidence briefs, datasets, method guides, and peer-reviewed journal articles that define the field of public health research. As these products are completed, the national program office makes them available on the program's [website](#).

WHAT ARE THE MOST SIGNIFICANT RESULTS TO DATE?

Program Director Burris summarized the progress of *Public Health Law Research* to date as falling into three key areas... in addition to supporting original research.

One: Creating a Framework for Public Health Law Research

First, Burris said, “We've named the field and we've defined it. People understand what public health law research is.” Burris, his colleagues at the national program office, and members of the methods core defined their framework for public health law research in an article entitled, “[Making the Case for Laws that Improve Health: A Framework for Public Health Law Research](#),” published in June 2010 in the *Milbank Quarterly*.

The article offers a logic model for public health law research that illustrates the causal chain, or pathways, by which some aspect of lawmaking, laws, or the activities of legal agents (the independent variable) affects health outcomes (the dependent variable). Health outcomes can be intermediate—changes in behavior or the environment, for example—or they can be longer-term changes in population morbidity and mortality, the ultimate outcome of interest.

The article also provides a typology of approaches researchers can use to study the effects of law on public health. These include:

- “Policy-making studies that identify forces that shape public health policy and strategies for effecting policy change
- “Mapping studies that show what has been done and thus what kind of action various government units can take
- “Implementation studies that provide information about how best to ensure that ‘law on the books’ becomes effective ‘law on the streets’
- “Intervention studies that determine which legal approaches are most efficacious in improving health environments, behaviors, and outcomes and can identify harmful legal side effects
- “Mechanism studies that explain why laws have the effects they do, and what mechanisms may improve the effectiveness of legal interventions”

The authors contend that the maturation of public health law research as a field depends on methodological rigor, adequate research funding, access to appropriate data sources, and policy-makers’ use of research findings. They note that, in studying how laws affect health outcomes, research can use methods drawn from epidemiology, economics, sociology, and other disciplines.

In the conclusion of the article, Burris and his colleagues urge scholars and policy-makers to let rigorous research “inform, if not drive, health policy decisions. Through the production of knowledge and conscientious efforts to translate research findings for decision makers, public health law research can make the case for laws that improve health.”

Two: “Digesting” What We Know About Laws and Policies

“The second thing is to define what we already know about effective laws and policies,” Burris said. “We went through all of the major systematic reviews to identify where researchers had done a meta-analysis of a policy intervention. We’ve digested this research in evidence briefs on our website—what we know for sure about what works and what doesn’t.”

Specifically, the [evidence briefs](#) summarize the research assessing the effect of a specific law or policy on public health and are based on systematic literature reviews conducted by scholars. Each law or policy is classified as “effective,” “uncertain,” or “harmful,” according to the conclusions of expert reviewers. The briefs are organized by topic, such as injury prevention, infectious disease, drugs, alcohol and tobacco, violence prevention, and obesity.

Laws and policies covered by the briefs include raising alcohol taxes to reduce drinking, bans on specific guns and ammunition, and vaccine requirements for child care, school, and college attendance. In all, 50 briefs have been created.

National program office staff also commissioned a series of “Theory, Practice, and Evidence” [papers](#) that define the current state of knowledge about public health law issues for policy-makers and researchers. Examples of papers posted on the website as of March 2012 are:

- [The Potential for State Attorneys General to Promote the Public’s Health](#)
- [The Impact of TBI- and Concussion-Related Laws](#)

Three: Defining Methods for Doing Public Health Law Research

Then, said Burris, “we set out to work on defining what good methods mean for public health law research. At least for quantitative research, the way that lawyers do research is not suitable or efficient for creating independent variables for scientific analysis of health data.”

To address this challenge, members of the methods core and other researchers created a set of methods guides designed to help the public health professional who needs to understand how to conduct legal research as well as the legal professional who needs to grasp the scientific method. The guides cover topics that range from the development of research questions and design of the study, through the selection of measures and collection of data, to analysis and dissemination.

“You have to change the words of law into numbers that can be used in quantitative analysis of health data,” said Burris, who commissioned an article that explains how to make that conversion. Written by methods core member Alexander Wagenaar, PhD, and colleagues, the article, “[Measuring Statutory Law and Regulations for Empirical Research](#),”² is a practical how-to guide in applying the scientific method to measure the law for quantitative research.

Another innovative feature of the program is its creation of “datasets that any researcher can take and use,” according to Jennifer Ibrahim, MPH, PhD, associate director of *Public Health Law Research* and member of the methods core. A dataset is a collection of systematically gathered data that reflects the features of a specific body of laws. Each is created by employing scientifically valid methods for measuring law and coded by a number to allow for quantitative analysis.

² Anderson ED, Tremper C, Thomas C and Wagenaar A. *Public Health Law Research*, February 28, 2012. Available [online](#).

“One of the barriers in doing public health law research is the lack of available data,” says Ibrahim. “It takes a lot of effort to collect laws, code them, and put them in research-ready datasets. By creating publicly available datasets that can be updated, we hope public health law researchers will be able to do their investigations faster and more cost-effectively.” Applying to NIH or the National Science Foundation should be easier because “folks won’t have to ask for so much money just to collect the data,” Ibrahim adds.

The first dataset the program created was on [distracted driving laws](#), Grunwald said. The dataset is a collection of information on all laws that restrict use of mobile communication devices while driving for all 50 states and the District of Columbia between 1992, when the first law was passed, through July 15, 2011. It contains information on 22 variables including activities regulated (e.g. texting versus talking, hands-free versus handheld), target populations, and exemptions.

Grantees are now merging that data with transportation crash data to explore the effects of these laws on accidents. Preliminary analyses indicate that states with the strongest laws are seeing crash rates go down, according to Grunwald.

Supporting Original Public Health Law Research

The program also supports new public health law research, carried out by grant-funded researchers, the national program office, or members of the methods core. As of March 2012, descriptions of more than 50 [grantee research projects](#) are available on the program website. In addition to brief abstracts, the Web pages for each project contain links to published articles and other relevant materials.

Research studies are aimed at answering a wide range of questions such as:

- Can courts specializing in family-related cases reduce domestic violence and improve the health of women and children?
- Can public health policies reduce consumption of salt and help to reduce high blood pressure?
- Can a federal law reduce public health problems caused by unsafe or toxic levels of lead in drinking water?

While many of these projects are still in process, some are beginning to show how good research might provide vital information on the effect of public health laws or initiatives. Examples include:

- [Has the Philadelphia Lead Court Reduced Exposure to Lead?](#)³ Some Philadelphia landlords were putting children’s health at risk by their failure to remove chipping and peeling lead-based paint and do the cleanup required by the city’s housing law. Health officials and lawyers responded by establishing Philadelphia’s Lead Court in 2002.

With support from *Public Health Law Research*, researchers at Drexel University School of Public Health asked whether the court was working. Their findings suggest that it is. Before the court was established, landlords fixed problems within the first year about 7 percent of the time. After the court was in operation, that rate rose to about 77 percent.

- [How Can Public Health Law Support Intervention in Drug Overdoses?](#)⁴ This study by researchers at the University of Washington is examining the legal intent, implementation, and outcomes of a 2010 Washington state law to support intervening in drug overdoses. The “911 Good Samaritan Overdose Law” provides legal immunity from drug possession charges for people who overdose or seek aid for another person’s overdose.

Preliminary findings related to the law’s impact on planned behaviors of drug users and law enforcement include the following:

- A large majority (88%) of opiate users indicated that now that they were aware of the law they would be more likely to call 911 during future overdoses.
- A majority (62%) of police surveyed said the law would not change their behavior during a future overdose because they would not have made an arrest for possession anyway, 20 percent were unsure what they would do, and 14 percent said they would be less likely to make such an arrest.

The researchers concluded, “Given the substantial impact of drug overdoses in both human and economic terms, and the lack of apparent negative consequences of Good Samaritan overdose laws, other states should consider this legislative approach as an integral part of their plan to improve public health.”

³ Grant ID# 67144.

⁴ Grant ID# 68396.

WHAT CHALLENGES IS THE PROGRAM FACING?

Bringing the Fields of Law and Health Research Together

The program has run into some difficulty in engaging law professors, in part because it emphasizes producing issue briefs and other relevant materials for policy-makers, rather than publishing in peer-reviewed journals, a key avenue for obtaining tenure.

“It’s been a bigger challenge than I thought to get law professors to be part of the program,” Burriss said. “The tradition in the legal academy is not to do empirical research. Law professors don’t collect data to assess whether a law works.”

Similarly, he added, it has been a challenge to convince health researchers to adopt a more sophisticated understanding of how laws work, particularly how they can affect behaviors.

Producing Research on High-Priority Areas for Public Health Practitioners

“Because [the national program office] is so focused, and rightfully so, on strengthening the scientific methodology, they have not been able to focus much on areas of public health that might be policy relevant and high priorities for their audiences,” said Marjorie Gutman, PhD, of Gutman Research Associates, who is overseeing the evaluation by Rog and the Rockville Institute.

In a survey conducted by Gutman, public health officers and legal counsels were interested in research on emergency preparedness, implications of health reform, and statutes and regulations that govern the public health structure and accreditation. So far, few research projects have delved into those areas.

Translating and Using Results

“It’s still a challenge to get people to use this research,” said Gerard of the national advisory committee. “To me there is a little disconnect between doing something for the benefit of research per se versus for the benefit of people in practice. I think we should put more effort into talking to organizations like the [Association of State and Territorial Health Officials](#) to see what they need. What research would they love to see but don’t have funding for? To me, people in the field are not connecting to what this group is doing.”

For her part, Ibrahim thinks policy-makers are the biggest challenge. “It’s getting them to use evidence....There’s no point in doing research unless people are going to use it.”

WHAT DOES THE FUTURE HOLD?

In January 2012, the RWJF Board of Trustees reauthorized the *Public Health Law Research* program for up to another \$10 million through May 2016.

In the coming years, the program plans to focus on the following key areas:

- **Publishing a book on public health law research methods in the spring of 2013.** Building on the article, “Measuring Statutory Law and Regulations for Empirical Research,” the book will design and analyze issues and interdisciplinary theory in researching public health law, among other topics. Program staff will post chapters from the book on its website as they are completed.
- **Identifying “critical opportunities” for research in public health law.** “We have just started to experiment with something we are calling the ‘critical opportunity’ initiative, which is a way to encourage people to think about ways in which law can be useful for public health,” Burris said.

“We tested it at our last annual meeting and hope to expand it to other organizations where people can apply simple criteria and identify ways in which law can be seen as a critical tool in improving public health. If this is what people think is important, it is what should be guiding our research. We are trying to find ways to speak to practitioners in their own language and get products that they care about.”

- **Creating policy surveillance tools.** The datasets that program staff and grantees have created provide the raw material for researchers to take the next step in public health law research—policy surveillance. “What turns datasets into policy surveillance is changing data into a form that researchers can look at and interact with,” Burris said.

For example, it could mean translating data on an Excel sheet into a map of states that shows the status of different laws, or creating an interactive data visualization in which one could push a slide bar that represents time and shows how laws have changed.

The goal is to put up a policy surveillance portal on the program’s website with 20 to 40 domains represented, Grunwald added.

- **Communicating findings to policy-makers.** While the program has already taken steps to communicate the findings of its research to policy-makers through evidence briefs and other means, it plans to focus even more on this aspect of its work.

“The most important thing is getting the research into the debate. That’s ultimately why we do this,” Burris said.

WHAT IS NEXT?

In July 2011, the RWJF Board of Trustees authorized a new program that will complement both *Public Health Law Research* and the *Public Health Law Network*. The

\$2.8 million, three-year program, *Advancing Partners and Practice through Public Health Law*, will continue building the field by increasing support for and use of law by policy-makers, academics, and professionals in fields that impact health.

The program, which runs through 2014, will fund pilot fellowships for lawyers working in public health law, fellowships for teams working at the state level, scholar-in-residence programs to improve the teaching of public health law, and summer intensive training programs for law and public health professors.

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APPENDIX

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