



Robert Wood Johnson Foundation

## **Public Health Law Research**

Making the Case for Laws  
That Improve Health



**2009 Call for Proposals**

**Brief Proposal Deadline**

May 19, 2009

## Program Overview

(Please refer to specific sections for complete details.)

### Purpose (page 4)

The Robert Wood Johnson Foundation® (RWJF) seeks to build the evidence for and strengthen the use of regulatory, legal and policy solutions to improve public health. The effective application of law—which includes statutes, regulations, case law and policies—is essential to the protection and promotion of the public's health. As public health practitioners, policy-makers and others consider the use of law as a tool to improve the public's health, it is important to have evidence to inform questions such as: How does law influence health and health behavior? Which laws have the greatest impact? Can current laws be made more effective through better implementation or amendment? RWJF is launching this program to build a field of research and practice in public health law.

### Eligibility Criteria (page 11)

Preference will be given to those applicant organizations that are either public entities or nonprofit organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code. Applicant organizations must be based in the United States or its territories at the time of application. The focus of this program is the United States; studies in other countries will be considered only to the extent they may directly inform U.S. law and policy.

### Selection Criteria (page 11)

Complete selection criteria can be found on page 11.

### Total Awards

Approximately \$3.5 million will be awarded for two types of research grants.

- *Short-term studies*: up to 18-month awards of up to \$150,000 each.
- *Complex and comprehensive legal and public health studies*: up to 30-month awards of up to \$400,000 each.

### Key Dates and Deadlines

- **March 24, 2009 (12 a.m. ET)**—System available for online application.
- **April 8, 2009 (2:30–3:30 p.m. ET)** and **April 29, 2009 (10:30–11:30 a.m. ET)**—Informational Web conference calls.
- **May 19, 2009 (3 p.m. ET)**—Deadline for receipt of brief proposals.
- **July 13, 2009**—Applicants notified if invited to submit full proposals.
- **August 11, 2009 (3 p.m. ET)**—Deadline for receipt of full proposals.
- **September 2009**—Notification of awards.
- **December 2009**—Funding initiated.

### How to Apply (page 13)

All proposals must be submitted through the RWJF Grantmaking Online system.

[www.publichealthlawresearch.org](http://www.publichealthlawresearch.org)

## Background

Public health law is the study and application of the legal powers to preserve, protect and promote population health. Laws have improved the public's health by influencing individual behavior (e.g., seatbelt use and immunizations) and the physical and social environment in which people live (e.g., regulating exposure to lead, smoke-free workplaces, limiting sales of hazardous products). Laws present opportunities to align incentives and penalties to influence the choices people make and the environments in which they live, work and play. Additionally, laws give public health agencies the authority and flexibility to respond to the needs of their communities, both on a daily basis and particularly in times of crisis.

Law is central to how public health agencies are organized and central to what they are authorized to do to protect and promote the public's health. Law can be used to strengthen the public health infrastructure by enabling health departments to share resources and information across jurisdictions. Events such as September 11th, health emergencies such as severe acute respiratory syndrome and outbreaks of food-borne illness, as well as the increase in chronic diseases, demonstrate the need to build the evidence for and application of legal and regulatory solutions at the federal, state and local levels. Legal agreements of this type have allowed communities to meet their public health needs more effectively and efficiently. Laws that allow flexibility in times of crisis also strengthen the public health system to respond quickly to the health needs created by a disaster.

This initiative will support legal and policy research and empirical evaluations to inform decision-making of public health practitioners, legal practitioners, academics and policy-makers in assessing, designing and implementing laws that can improve population health and help the public health system function more efficiently and effectively.

## The Program

*Public Health Law Research* is a five-year, \$19-million RWJF national program. The goal of this program is to build the evidence for and increase the use of effective regulatory, legal and policy solutions—whether statutes, regulations, case law or other policies—to protect and improve population health and the public health system.

This program will include three primary activities:

- Funding research and evaluation related to public health laws and their impact.
- Providing technical assistance to and coordination for those engaging in this type of research, analysis, evaluation and/or integration into practice.
- Supporting communication and translation of results.

### *Total Awards*

Approximately \$3.5 million is available in this round of funding. There are two major categories of funding. Both require the integration of quality legal analysis and advanced empirical research, such as epidemiology or economics, to determine effects of laws and policies on the health of the public. Shorter-term proposals are encouraged for this round of funding.

1. ***Short-term studies.*** These would include legal research, policy analysis or empirical evaluations of actual or potential public health implications of specific laws or regulations. These grants will be for up to \$150,000 each for up to 18 months.
2. ***Complex and comprehensive legal and public health studies.*** These would include multistate, time-series analyses and other in-depth evaluations of laws implemented across a variety of jurisdictions and fields, analyses of effective and ineffective components of laws and regulations, and analyses of implementation and enforcement challenges. Grants of up to \$400,000 each for up to 30 months will be awarded.

## *Overall Study Guidelines*

Studies funded through this program will be at the intersection of two disciplines: law and public health. Other disciplines, such as medicine, economics, sociology, psychology and public policy and administration may also be involved in these studies, especially in the design and interpretation of outcome measures. However, the primary focus of the study should be the public health law or policy and its influence on population health. Studies that focus on timely, current public health or legal issues or anticipate conflicts and/or resolutions between legal theory/practice and public health outcomes are encouraged.

Applicants are encouraged to take creative approaches in identifying how laws impact public health. Creativity and innovation in selecting and blending research methods are also encouraged. Research teams must demonstrate expertise in both law and public health. Research teams that combine legal theory and legal expertise with advanced research design and statistical expertise are strongly encouraged. For example, grantees may draw on methods from epidemiology, biostatistics, econometrics, sociology, anthropology and other relevant fields to examine the effects of particular public health laws on the behavior of individuals and organizations. Innovative methods may include experimental designs and simulations, the use of biological markers as outcome variables, mixed qualitative-quantitative studies, and the application of cutting-edge econometric and time-series models. Cooperation with health officials and other public health and governmental practitioners will enhance both methodological rigor and study relevance.

Please note: Studies that focus primarily on substance abuse (i.e., alcohol, tobacco and drugs), the health care system and health care delivery and preventing childhood obesity will not be candidates for funding under this round. Please visit the Foundation's Web site ([www.rwjf.org](http://www.rwjf.org)) for information about those areas.

### *Study Types and Methods*

*Mapping studies* analyze the state of the law or the legal terrain and the application of laws surrounding a particular public health topic. Looking across jurisdictions, mapping studies examine what laws are on the books or in the works. They use existing empirical data, content analysis and legal analysis to identify the likely strengths and weaknesses of existing and proposed public health approaches. They explain the underlying dimensions of a policy and how such dimensions map onto relevant theories and evidence for effectiveness—essentially the implicit “logic model” underlying the law. Aims include understanding where policy-makers are focusing, why they may believe certain approaches are best and the extent to which initiatives now being implemented are supported by evidence.

*Mechanism studies* focus on the *how* of public health law: Through what mechanisms does law affect health behavior or outcomes? What general techniques of regulation (e.g., criminal sanctions, taxes and subsidies) are most effective for a given task or objective? Additionally, how do legal interventions get on policy agendas and get successfully adopted and implemented? What are the levers of change, and what factors predict successful implementation? Study methods may include quantitative and employ qualitative research methods, archival review, and legal and political analysis.

*Intervention studies* empirically assess the effect of legal interventions on health outcomes. They may involve the design and implementation of a new legal intervention or the observation and assessment of an existing law. The evaluation of the intervention may include a quantitative assessment of changes in the relevant health outcomes, a process evaluation of how the law has been implemented or both. Study methods may include controlled experiments, exploitation of natural experiments and rigorous quasi-experimental designs. The development of

interventions by themselves without a public health application or assessment of potential health effects will not be funded under this program.

*Authority studies* examine which legal authorities are most appropriate for regulating a particular health issue. Studies may focus on federalism issues (local versus state versus federal control), administrative versus legislative action or even public versus private authority; the role and effect of *pre-emption* may be considered. Emerging legal theories aimed at identifying the right mix of authorities and regulatory methods will also be considered. Study methods will likely blend legal analysis, regulatory theory, qualitative methods and archival review, but may also fruitfully extend to quantitative analyses of various kinds.

### *Topics for Research*

This call for proposals focuses on three topics for research. The topics and examples of potential studies are outlined below. The examples of studies are for illustrative purposes only; they do not indicate a preference for studies of these specific topics.

1. Legal action to shape healthy environments.
2. Law’s influence on health behaviors.
3. Strengthening the performance and effectiveness of the public health system through law.

### **Topic Area 1: Legal Action to Shape Healthy Environments**

Laws and the way they are implemented heavily influence whether an environment is healthy or unhealthy. The social and physical environments where people live, work and play influence everyday choices that impact health. Laws are used by government, businesses and others in positions of power to adjust incentives and influence the choices people make with the goal of improving their health.

The social and physical environments are a crucial factor in any population’s health and have a direct influence on health disparities. A community’s physical

condition (e.g., the cleanliness of its air and water, the quality of its housing, the health care resources that it can provide) is a powerful determinant of health for its residents. The social environment is just as important. It is comprised of the customs, norms, values, stigmas, attitudes, beliefs, expectations and capacities for collective action and stigmas.

Examples of studies that would contribute to improved understanding of how law can promote healthy environments include:

- a mapping study of governance mechanisms used by urban health agencies to increase community participation in public health planning, decision-making and program evaluation;
- a study of innovative laws and law enforcement practices being used to reduce the deleterious community health effects of crime, policing and incarceration;
- studies using interviews and archival review to examine factors leading states to consider legislation that identifies climate change as a public health problem;
- studies of the impact of civil rights law and policy in improving health outcomes or reducing stigma among populations whose rights are protected under the law; and/or
- comparative assessment of different zoning and land-use regimes and how they impact individuals and entire neighborhoods ( e.g., the concentration or dispersal of individuals with high levels of health and social problems), and the consequences of such concentration or dispersal for rates (or prevalence) of disease and injury in populations.

### **Topic Area 2: Law’s Influence on Health Behaviors**

Law is one of a democratic society’s basic regulatory tools. It can be a means through which society discourages dangerous or promotes safer behavior such as decision-making that leads to better health.

Laws work by complicated and often indirect mechanisms. Basic issues such as when and how laws have a deterrent effect, or why people obey the law at all, remain disputed. People’s knowledge of law is typically incomplete, mediated by social norms. Law itself is a complex social phenomenon: A legislative agenda may be influenced more by effective advocacy or public persuasion than by empirical evidence that points to an area of greatest need.

Using strong research designs that build on experimental traditions in other areas of science, public health law research can test the success of law in influencing the behavior it targets and examine the effects of law on particular health outcomes.

Examples of studies that address these goals include:

- studies exploring how compulsory vaccination laws influence vaccination coverage rates, resistance to vaccination, fears of vaccination risk or organized efforts to eliminate vaccination mandates;
- qualitative analysis of the role of the food industry in developing, implementing and evaluating food safety policies;
- mixed-method studies of the health consequences of laws that limit teenagers’ access to confidential reproductive health services; and/or
- studies of how “soft-law” methods—design, marketing, “default rules” and other mechanisms—can use the power of the state to promote healthier behavior without overt regulation.

### **Topic Area 3: Strengthening the Performance and Effectiveness of the Public Health System Through Law**

For the public health system to fulfill its important role in ensuring the safety and health of the public, it must be able to improve services and demonstrate accountability. We expect that the implementation of the national voluntary public health accreditation

program, beginning in 2011, will have a significant impact on performance and effectiveness of state and local public health agencies. The public health accreditation program will establish agency standards and benchmarks that promote excellence, continuous quality improvement and accountability. The advent of national public health accreditation will raise new legal questions for local and state jurisdictions such as governance authority, passing legislation to support or mandate accreditation or pay fees and regionalization.

The public health system must be prepared to address many diverse and complicated diseases and conditions as well as being prepared to act in emergencies. Situations including food-borne outbreaks and epidemics of diseases, including both infections and chronic diseases, provide instances where laws can be helpful to public health practice. The issue of preparedness is also related to quality improvement as laws and policies are created or refined in order to better respond during a disease outbreak or disaster. For public health systems to better respond to disasters and emergencies, they must improve efficiency, communications, coordination and planning across jurisdictions. Law and policy have a very important role to play in these efforts.

Examples of studies that would contribute to improved understanding of the role of law in strengthening the performance and effectiveness of the public health system include:

- the specific impact of a statewide accreditation law or regulation (actual or potential) on health;
- legal issues surrounding regional collaborations across health agencies from different jurisdictions within a state and/or between states;
- examination of issues related to property appropriation during a public health emergency and the economic costs;
- studies that examine how changes in law, especially

those related to how the public health system is structured at the federal, state and local levels, can improve public health preparedness; and/or

- research focusing on how privacy laws affect the ability of federal, state and local health officials to share information in situations of food-borne outbreaks, among themselves, with regulators, the food industry and others. Studies could document how privacy laws actually affect information flow as well as any related health and/or economic costs or impacts.

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### Eligibility Criteria

Preference will be given to those applicants that are either public entities or nonprofit organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code. Applicant organizations must be based in the United States or its territories at the time of application.

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### Selection Criteria

All proposals will be assessed by a committee composed of RWJF staff, national program office (NPO) staff at the Center for Health Law, Policy and Practice at Temple University Beasley School of Law, a national advisory panel and other expert reviewers. The committee will use the following criteria to assess proposals:

- Significant public health problem and the impact of legal measures on health addressed.
- The effective collaboration between public health and legal researchers and/or practitioners.
- The potential impact of study results on the development, crafting and implementation laws and policies that positively impact population health.
- Translation to the practice community and policy-makers.
- Ability of the study to advance methods in public health law research in general.
- Adequacy of personnel and resources to complete the

proposed project.

This program has a national advisory panel that makes recommendations about grants to Foundation staff. All funding decisions are made by RWJF. RWJF does not provide individual critiques of proposals submitted.

Grantees are expected to participate in various opportunities to communicate grant results including but not limited to conferences, policy briefings, media interviews and other forms of communications.

### **Evaluation and Monitoring**

An independent research group selected and funded by RWJF will conduct an evaluation of the program. As a condition of accepting RWJF funds, grantees will be required to participate in the evaluation.

Grantees are expected to meet RWJF requirements for the submission of narrative and financial reports, as well as periodic information needed for overall project performance monitoring and management. We may ask project directors to participate in periodic meetings and give progress reports on their grants. At the close of each grant, the lead agency is expected to provide a written report on the project and its findings, suitable for wide dissemination.

### **Use of Grant Funds**

Grant funds may be used for project staff salaries, consultant fees, data collection and analysis, meetings, supplies, project-related travel and other direct project expenses, including a limited amount of equipment essential to the project. In keeping with RWJF policy, grant funds may not be used to subsidize individuals for the costs of their health care, to support clinical trials of unapproved drugs or devices, to construct or renovate facilities, for lobbying or as a substitute for funds currently being used to support similar activities.

### **How to Apply**

All proposals for this program must be submitted only through the RWJF Grantmaking Online system at <http://grantmaking.rwjf.org/phlr>.

There are two stages in the competitive proposal process: (1) applicants submit a brief proposal that describes the project and, if invited (2) applicants then submit a full proposal and line-item budget for a grant.

#### *Stage 1: Brief Proposals*

Applicants must submit a brief proposal that describes the project and include a one-page preliminary budget. These should be no more than five pages in length.

Please go to <http://grantmaking.rwjf.org/phlr> to submit your brief proposal.

#### *Stage 2: Full Proposals*

Selected Stage 1 applicants will be invited by letter or e-mail to submit a full proposal of no more than 20 pages accompanied by a budget and budget narrative. A short description of the purpose of the study and potential impact will be expected from all successful applicants invited to submit a full proposal. Further description and information will be provided at that stage to successful applicants.

For more information on the program and application requirements please contact:

Public Health Law Research Grant Solicitation  
Helpdesk

6003 Executive Boulevard, Suite 400

Rockville, MD 20852

Phone: (866) 330-9752

[PublicHealthLawResearch@sra.com](mailto:PublicHealthLawResearch@sra.com)

Helpdesk is available 9 a.m.–5 p.m. ET, Monday–Friday, except federal holidays.

## Program Direction

Direction and technical assistance for this program are provided by the Public Health Law Research national program office (NPO) located at:

Center for Health Law, Policy and Practice,  
Temple University Beasley School of Law  
1719 N. Broad St.  
Philadelphia, PA 19122  
[www.publichealthlawresearch.org](http://www.publichealthlawresearch.org)

Responsible staff members at the NPO are:

- Scott Burris, J.D., *professor of law and director, Center for Health Law, Policy and Practice, Temple University*
- Jennifer Ibrahim, Ph.D., M.P.H., M.A., *key consultant, Temple University*
- Jennifer Wood, Ph.D., M.A., *key consultant, Temple University*
- Michelle Mello, Ph.D., J.D., M.Phil., *key consultant, Harvard University*
- Jeffrey Swanson, Ph.D., M.A., M.Phil., *key consultant, Duke University*
- Alexander Wagenaar, Ph.D., M.S.W., *key consultant, University of Florida*

Responsible representatives at RWJF are:

- Angela McGowan, J.D., M.P.H., *senior program officer*
- Michelle Larkin, J.D., M.S., R.N., *team director and senior program officer*
- James Marks, M.D., M.P.H., *senior vice president and director, Health Group*
- Marek Sulzynski, M.P.A., *program associate*
- Joe Marx, *senior communications officer*
- Tom Andruszewski, *grants administrator*
- Prabhu Ponskhe, M.A., L.L.B., *communications consultant, Health Matrix, Inc.*

## Timetable

- **March 24, 2009 (12 a.m. ET)**  
System available for online application.
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## About the Robert Wood Johnson Foundation

The Robert Wood Johnson Foundation focuses on the pressing health and health care issues facing our country. As the nation's largest philanthropy devoted exclusively to improving the health and health care of all Americans, we work with a diverse group of organizations and individuals to identify solutions and achieve comprehensive, meaningful and timely change.

For more than 35 years we've brought experience, commitment and a rigorous, balanced approach to the problems that affect the health and health care of those we serve. When it comes to helping Americans lead healthier lives and get the care they need, we expect to make a difference in your lifetime.

For more information visit [www.rwjf.org](http://www.rwjf.org).

Sign up to receive e-mail alerts on upcoming calls for proposals at  
[www.rwjf.org/services](http://www.rwjf.org/services).



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