

Racism and Public Health through the Law & Policy Lens

Presented [April 14, 2021]

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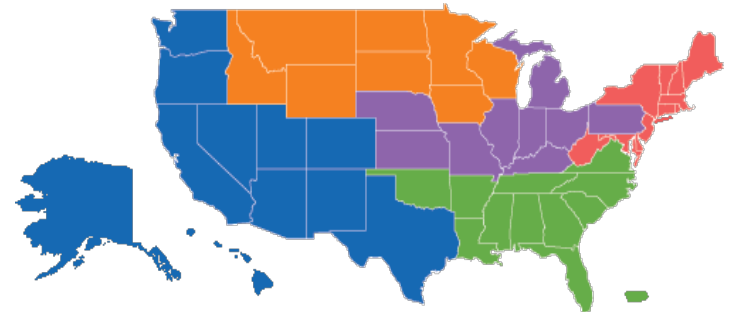


About the Network

» **Who We Are:** A network of attorneys and staff helping individuals and organizations to identify legal and policy solutions to advance public health.

» **What We Do:**

- Research and Analysis
- Strategic Consultation and Guidance
- Knowledge Building and Training
- Raising Awareness and Connecting



www.networkforphl.org

» **How We Are Organized:** We have **one** National Coordinating Center and **five** regional offices

The 5 Essential Public Health Law Services



Burris S, Ashe M, Blanke D, et al. Better Health Faster: The 5 Essential Public Health Law Services. *Public Health Reports*. 2016;131(6):747-753



Overview

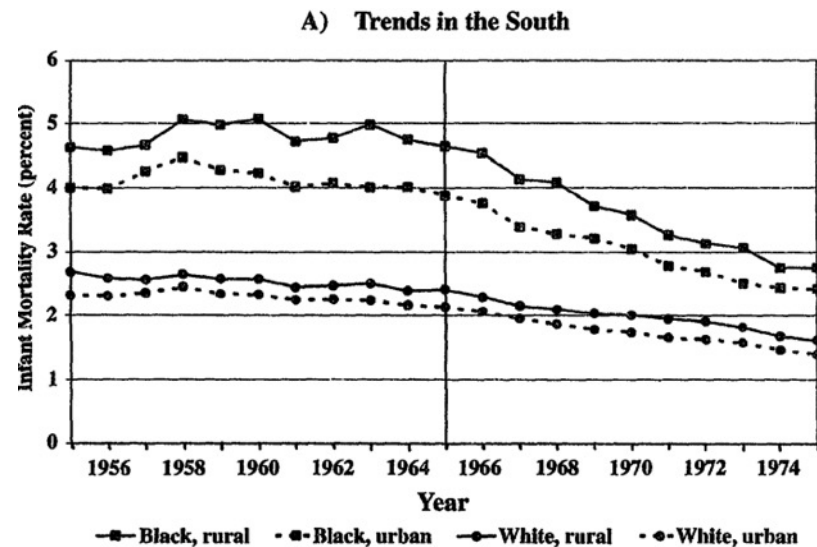
- » **The Impact of Law and Policy on Health Outcomes**
- » **Legislative Activity**
- » **COVID-19 Health Equity Task Forces**
- » **Declarations of Racism as a Public Health Crisis**
- » **Messaging**
- » **Civic Engagement and Public Health**

The Impact of Law and Policy on Health Outcomes

Title VI of the Civil Rights Act of 1964

- » Title VI bars discrimination by government agencies receiving federal funding across a variety of services.
- » It had a significant impact on infant mortality in the years after it was enacted.

The Affordable Care Act further reduced infant mortality rates in Medicaid expansion states

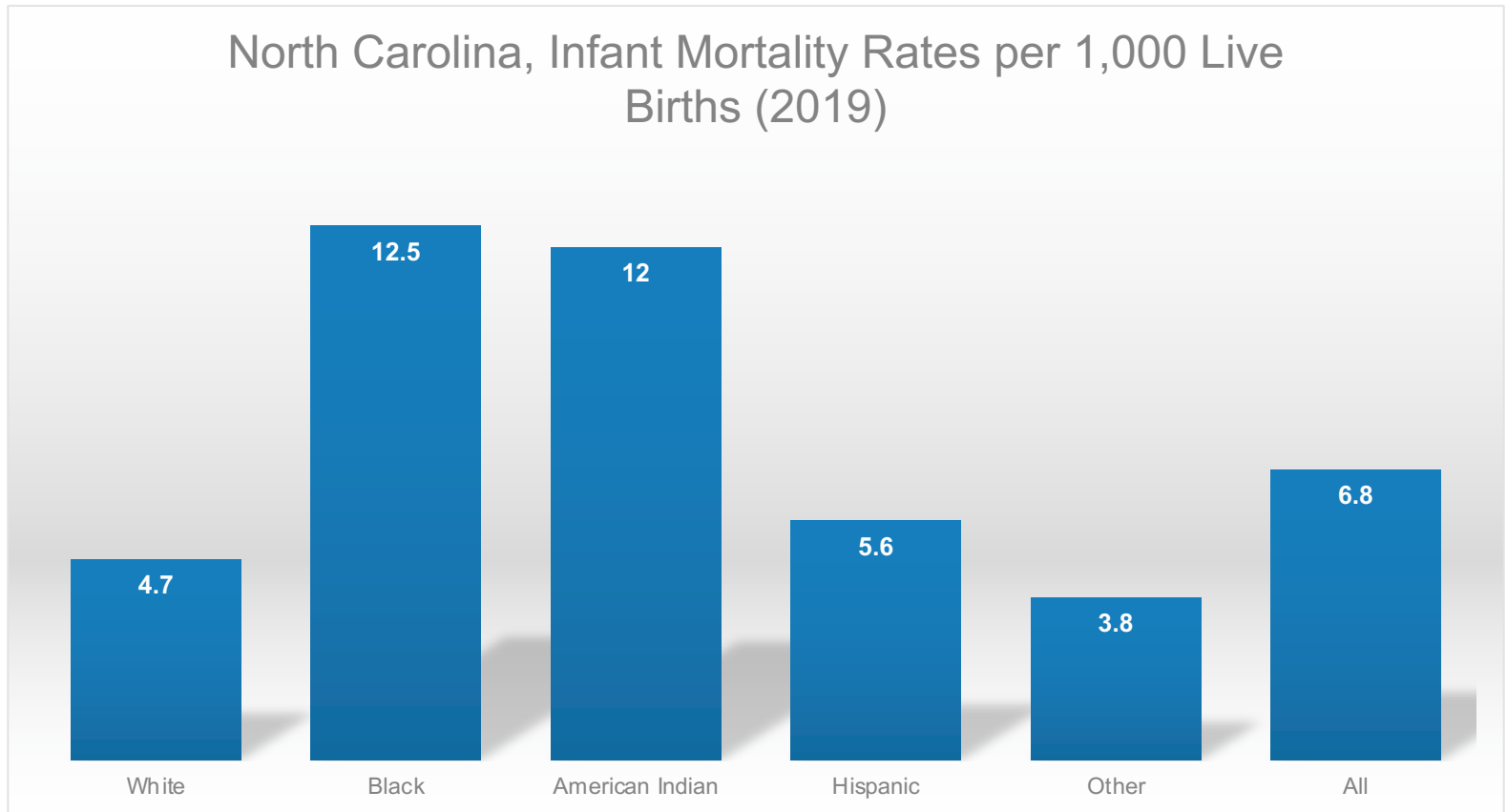


Black and White Infant Mortality Rates in the South, 1955-1975

Excerpt from Chay and Greenstone, "The Convergence in Black-White Infant Mortality Rates During the 1960's," Accessed Oct. 28, 2020



North Carolina, Infant Mortality Rates per 1,000 Live Births (2019)



Source: NC Department of Health & Human Services State Center for Health Statistics, 28 OCT 2020

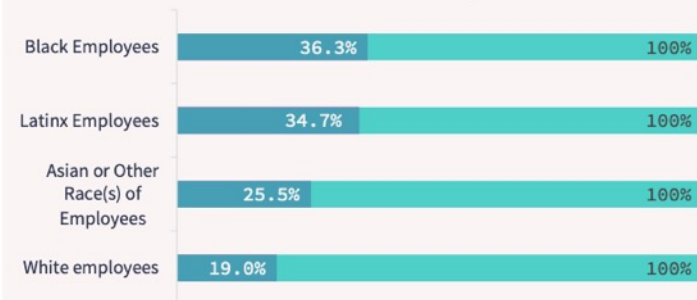
The Impact of Law and Policy on Health Outcomes

Fair Labor Standards Act of 1966

- » **Resulted in a significant decline in the racial wage gap...but there are still racial wage gaps**
- » **Raising the minimum wage:**
 - Reduces poverty and income inequality
 - Improves infant health and **reduces infant mortality**
 - Benefits women and workers of color most (but also benefits all low-wage workers)

Florida Minimum Wage Increase

Figure 5: SHARE OF WORKING FLORIDIANS WHO WOULD SEE PAY INCREASE, BY RACE



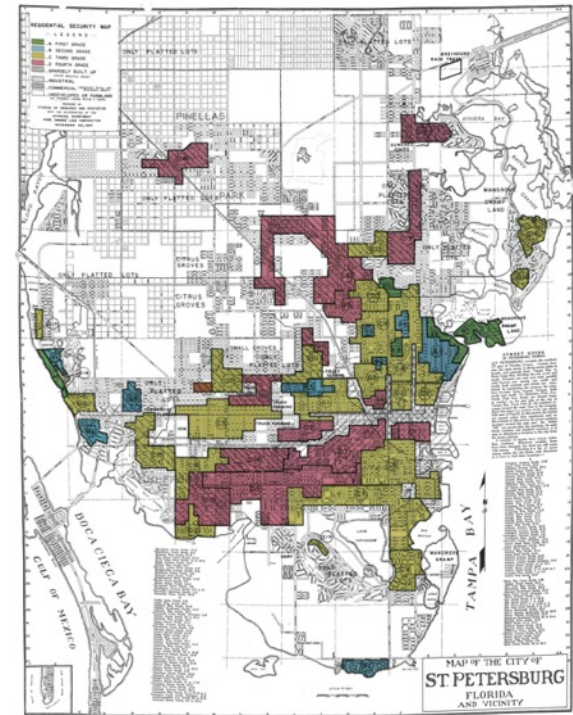
A. Davis, Florida Policy Institute, "A Minimum Wage Boost Would Improve Equity for 2.5 Million Floridians and Bolster the State's Post-Pandemic Recovery," September 2020

The Impact of Law and Policy on Health Outcomes

Redlining in Housing

- » **Geographic, Political, and Cultural Isolation of Minority Communities**
- » **Underinvestment in Business and Infrastructure**
- » **Environmental Injustice**
- » **Racial Wealth Gap**

In North Carolina, **73.8%** of White residents own homes, compared to just **45%** of Black Residents



Robert K. Nelson et al., **"Mapping Inequality,"** *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers, accessed March 1, 2021, <https://dsl.richmond.edu/panorama/redlining/#loc=12/27.775/-82.77&city=st.-petersburg-fl>



Other Examples: Black Physician Shortages

MEDICAL EDUCATION
IN THE
UNITED STATES AND CANADA
A REPORT TO
THE CARNEGIE FOUNDATION
FOR THE ADVANCEMENT OF TEACHING
BY
ABRAHAM FLEXNER
WITH AN INTRODUCTION BY
HENRY S. PRITCHETT
PRESIDENT OF THE FOUNDATION

The Flexner Report of 1910, commissioned by the Council on Medical Education of the American Medical Association.

<https://www.sciencemag.org/careers/2012/05/two-reports-and-worlds-they-made>

 **health** Food Fitness Wellness Parenting Vital Signs

• LIVE TV Edition ▾ 🔍 @ ☰

Black newborns more likely to die when looked after by White doctors

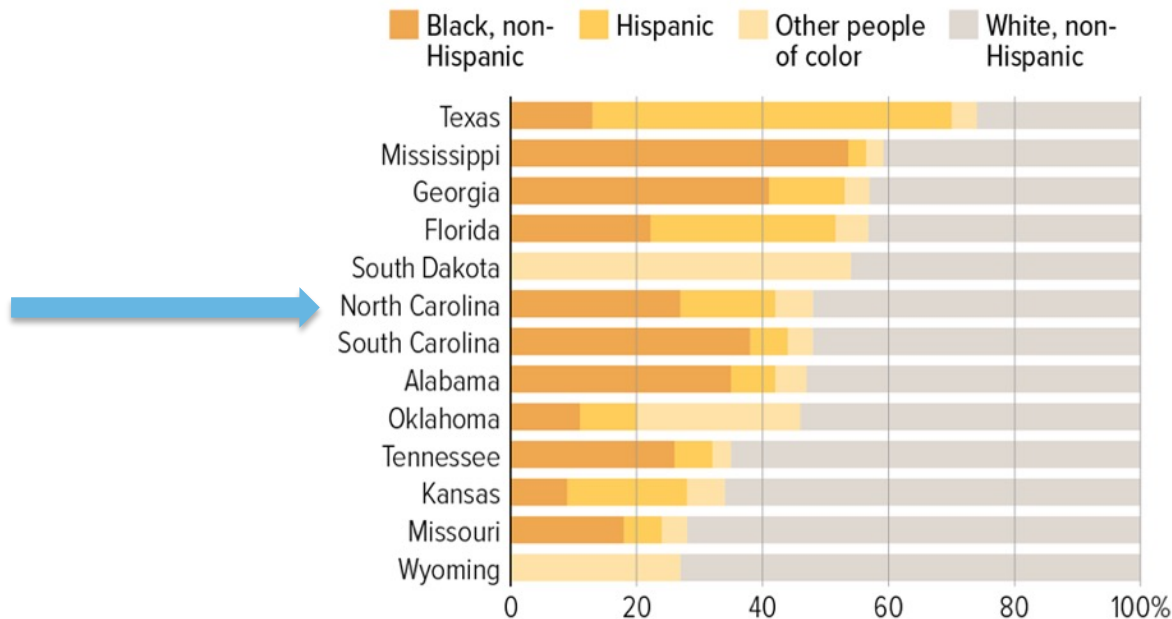
By **Rob Picheta**, CNN

🕒 Updated 4:40 AM ET, Thu August 20, 2020

Other Examples: Medicaid Expansion

Many Black, Hispanic People Would Benefit From Further State Medicaid Expansions

Share of uninsured adults who would become eligible for Medicaid, by race and ethnicity



Note: Estimates by subgroup are not available for South Dakota and Wyoming, so the "other people of color" category represents all people of color, including Black and Hispanic people.


Source: Kaiser Family Foundation based on 2018 Census Bureau data

Other Examples: Youth Incarceration Rates

	White	Black	Black-white disparity	% Change 2007-2017
National	83	383	4.61	+1%
New Jersey	14	290	20.71	+9%
Connecticut	8	108	13.50	+53%
Wisconsin	54	671	12.43	+56%
Delaware	37	405	10.95	+84%
Illinois	32	325	10.16	+156%
North Carolina	14	140	10.00	+143%

	White	American Indian	American Indian-white disparity	% Change 2007-2017
National	83	235	2.83	+7%
South Dakota	94	468	4.98	-8%
North Carolina	14	59	4.21	+188%
California	66	220	3.33	+51%
Washington	73	232	3.18	-3%
Montana	137	423	3.09	-4%
Alaska	164	455	2.77	+2%
Oklahoma	61	80	1.31	+27%
Texas	82	102	1.24	+46%
Arizona	53	63	1.19	-16%
New Mexico	84	98	1.17	+34%

J. Rovner, Racial Disparities in Youth Incarceration Persists, The Sentencing Project, February 2021, accessed April 12, 2021

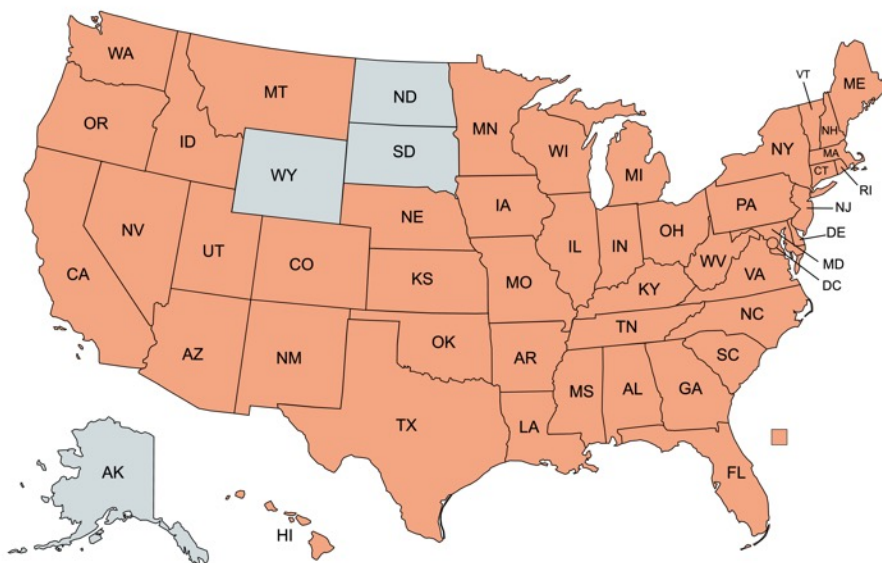


**So what are
cities, counties,
and states doing
to address these
issues?**



Legislative Activity as of April 12, 2021

Topics of bills addressing racism, racial equity, and health equity



Created with mapchart.net

- Racism as a public health crisis or emergency
- Educational inequities
- Data collection and use
- Provider education and training
- Infrastructure (offices, positions, task forces)
- Equity in birth outcomes
- Environmental justice
- Funding
- The use of racial or health impact statements in policymaking

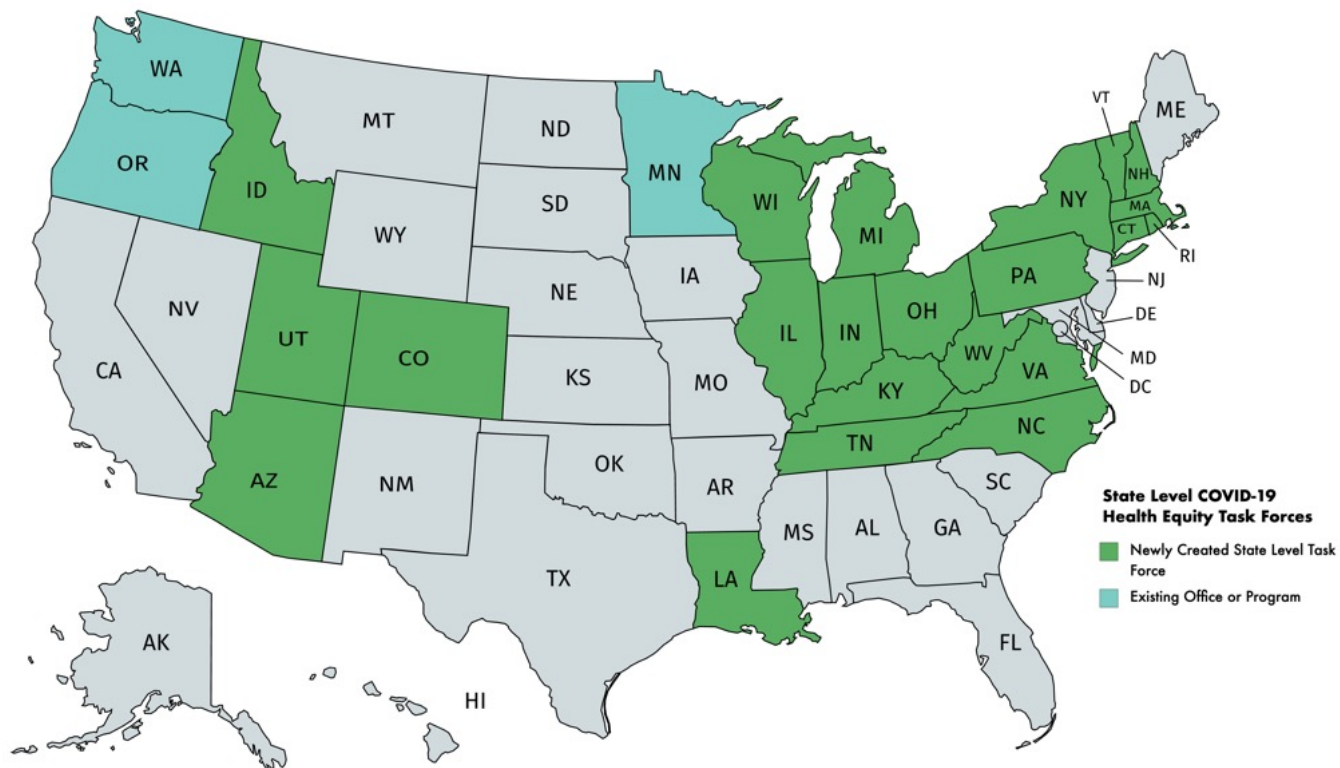


North Carolina Legislative Activity as of April 12, 2021

Topics of bills addressing racism, racial equity, and health equity

- » **Maternal health**
- » **Criminal justice reform**
- » **Training for school resource officers**
- » **Early Childhood Workforce Racial Equity Initiative**
- » **Task force on adverse childhood experiences**
- » **Digital equity**

COVID-19 Health Equity Task Forces





North Carolina Task Force

Andrea Harris Social, Economic, Environmental, and Health Equity Task Force

2020 POLICY RECOMMENDATIONS

TASK FORCE SUBCOMMITTEES:

ACCESS TO
HEALTHCARE

ECONOMIC
OPPORTUNITY
AND BUSINESS
DEVELOPMENT

EDUCATIONAL
OPPORTUNITY

ENVIRONMENTAL
JUSTICE AND
INCLUSION

PATIENT
ENGAGEMENT

Established by Executive Order No. 143 on June 4, 2020

Chaired by the Secretary of the NC Department of Administration

Declarations of Racism as a Public Health Crisis or Emergency

RACISM IS A PUBLIC HEALTH CRISIS

Resolutions and Declarations Across the US



96 City Councils	75 County Boards	15 Mayors
4 Governors	4 State Leg	1 Federal
5 Universities	3 School Boards	11 Nonprofits

Data as of 04/09/21

@alexhill

Treating Racism as a Public Health Crisis

- » Taking a public health approach means recognizing that it affects large numbers of people over time, and requires policy and system change over individual interventions
- » CDC has declared racism a public health threat.

Source: @alexhill on Twitter, accessed April 12, 2021



It's not just government entities...

» **American Medical Association**

» **Health Systems**

Utah Hospital Association and 11 state health care organizations

36 health care organizations in Chicago

Healthcare Anchor Network (40 health systems in 45 states and DC)

Kaiser Permanente

» **Insurers**

BCBS of Illinois

Analysis of Declarations Made by Local Government Entities in Each Network Region

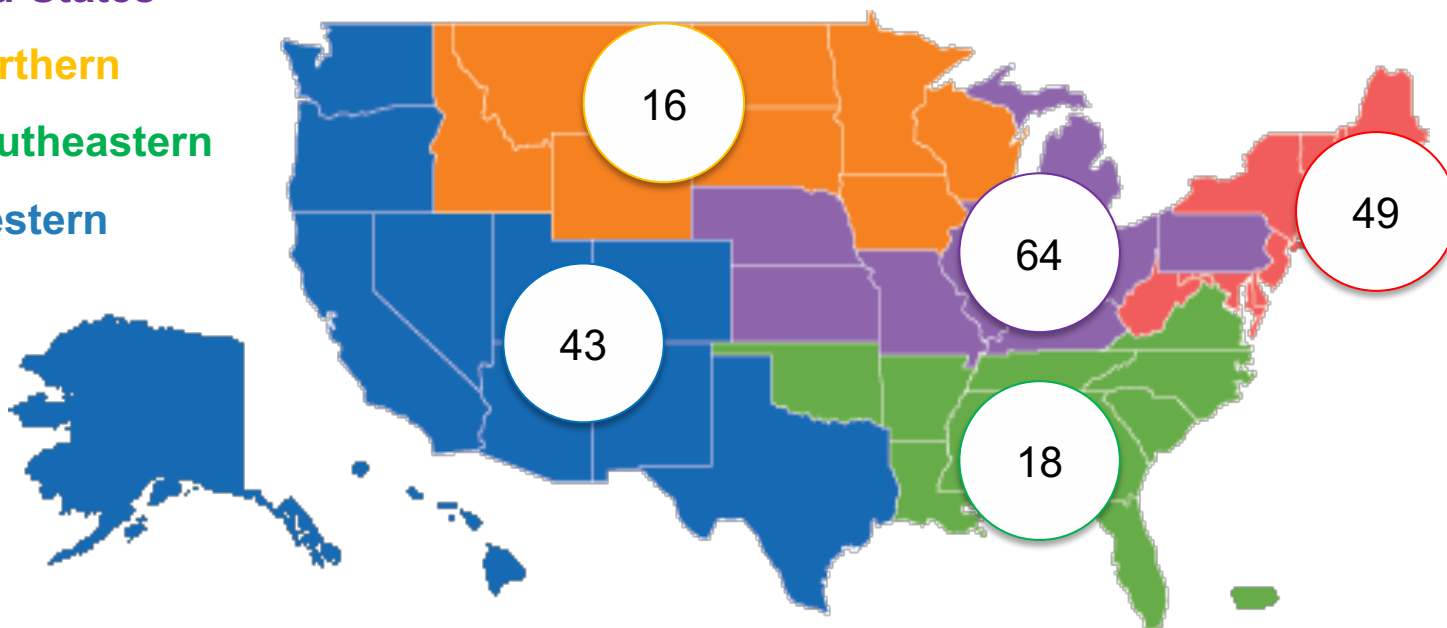
Eastern

Mid-States

Northern

Southeastern

Western





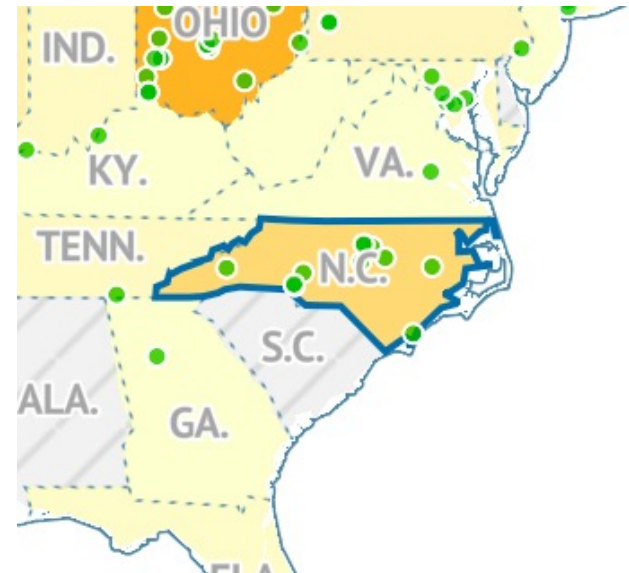
Diving into Local Declarations

Typical Components:

- ✓ A **clear declaration** that racism is a public health crisis or emergency
- ✓ Measures pertaining to **organizational policy or practice**
- ✓ Emphasis on **partnerships and collaboration**
- ✓ **Accountability measures**
- ✓ Focus on a **specific issue**
- ✓ A **call to action** to other local, state, and national leaders
- ✓ **Infrastructure proposals**

Declarations in North Carolina

- Buncombe County Health and Human Services & Board of Commissioners
- Cabarrus County Public Health Authority/Cabarrus Health Alliance
- City of Charlotte
- Chatham County Board of Health
- Durham County Board of Commissioners
- Mecklenberg County Board of Commissioners
- New Hanover County Board of Commissioners
- Pitt County Board of Commissioners
- Wake County Board of Commissioners
- Orange County Health Department
- Orange County Board of Commissioners



APHA, Racism is a Public Health Crisis,
<https://www.apha.org/topics-and-issues/health-equity/racism-and-health/racism-declarations>,
accessed April 12, 2021



Local Strategies to Address the Determinants of Health: Resolution approving reparations in Asheville, NC

- » **Establishes a new commission to develop a plan around key priorities to repair the damage caused by public and private systemic racism**
 - » Homeownership and access to other affordable housing
 - » Increasing minority business ownership and career opportunities
 - » Strategies to grow equity and generational wealth
 - » Closing the gaps in health care, education, employment and pay
 - » neighborhood safety and fairness within criminal justice
- » **Elevates community voices**



You Issued a Declaration – Now What?

- » **Normalize conversations about race and health.**
- » Establish a task force or working group.
- » Evaluate and then change policies, practices, or laws to advance racial equity, and monitor implementation.
- » Systematize the use of racial equity tools in your organization.
- » Incorporate racial equity into performance management.
- » Strengthen data collection and evaluation, including requirements for reporting.
- » Allocate funds to specific programs or initiatives and engage in cross-sector collaborations to leverage funding.
- » Build capacity of staff, volunteers, and teams.
- » Develop a racial equity action plan with clear goals and timelines.



Using Racial Equity Tools to Assess Laws and Policies

PHAB Accredited Departments – Domain 6

REQUIRED DOCUMENTATION	GUIDANCE	NUMBER OF EXAMPLES	DATED WITHIN
1. Reviews of public health laws or laws with public health implications that include the following:	<p>1. The health department must document its evaluation of laws for their public health implications.</p> <p>Reviews may be of a law that the health department enforces or of a law that the health department has no legal authority to enforce, but that has implications for the health of the public in the jurisdiction of the health department. The documentation may address the review of enforcement protocols and/or adherence to protocols and not of a law itself. This is a program review and does not require the review by a lawyer.</p> <p>Documentation could be, for example, meeting minutes, reports, presentations, memos, or some other record of the discussion of the review and findings. They could also be in the form of policy agendas, position papers, white papers, and legislative briefs, including recommendations for amendments.</p> <p>Health departments must document that the review of the law included:</p>	<p>2 examples that are from different programs</p> <p>1 example must demonstrate collaboration with other levels of health departments (Tribal, state, and/or local)</p>	Reviews completed within 3 years

PHAB Standards and Measures, Version 1.5

Examples

King County, WA

EQUITY IMPACT REVIEW PROCESS



Equity Assessment Framework for Public Health Laws and Policies

Did you...

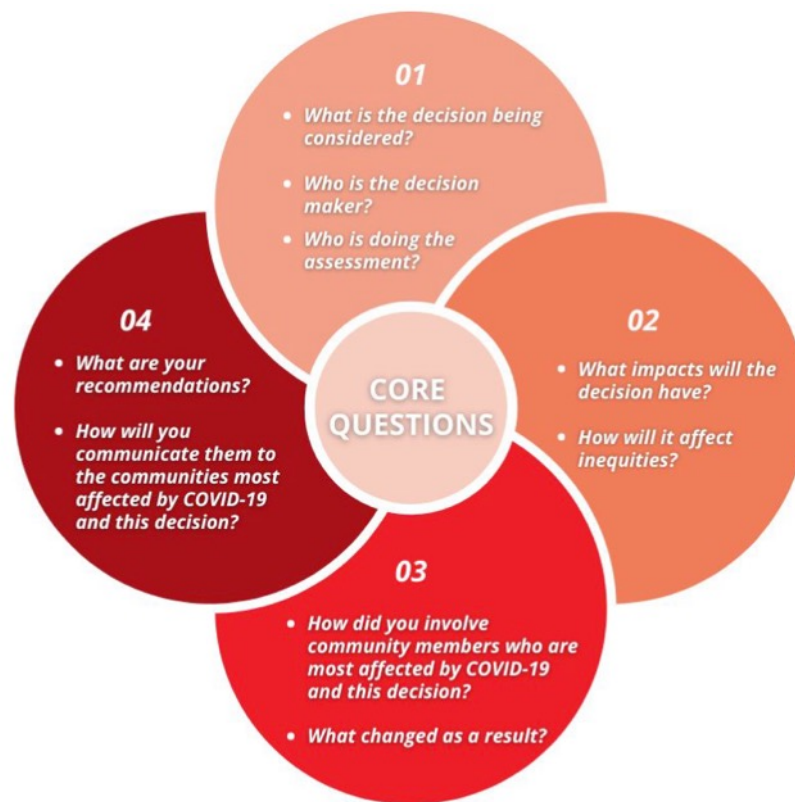
1. Clearly define the issue?
2. Identify the relevant law or policy?
3. Engage community voices or impacted stakeholders?
4. Assess the historical context?
5. Identify the benefits and burdens on vulnerable populations?
6. Identify the outcomes?
7. Consider alternatives to achieve the same outcomes?
8. Plan for implementation, monitoring, and future review?

Network for Public Health Law

Examples

Ensuring Equity in COVID-19
Planning, Response, and
Recovery Decision Making:

AN EQUITY LENS TOOL FOR HEALTH DEPARTMENTS



Human Impact Partners and Big Cities Health Coalition, December 2020

The 5 Essential Public Health Law Services



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Talking about Racism and Public Health: Messaging Tips

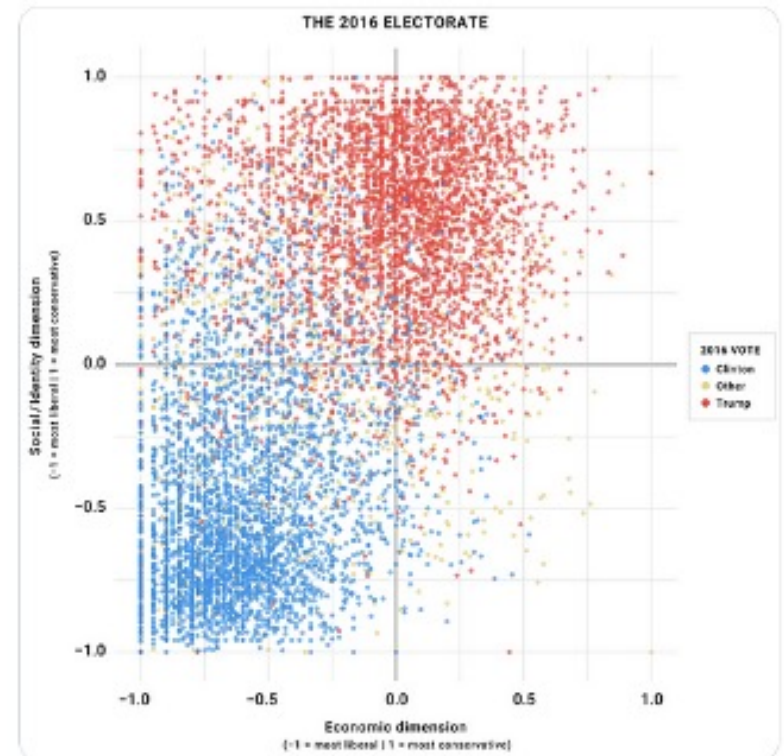
1. Speak to values.
2. Be empathetic.
3. Center equity.
4. Respect community expertise.

Assume we value the same things, and then find language meaningful to your audience.



Lee Drutman
@leedrutmman

If you are trying to make sense of Florida's vote to raise the minimum wage to \$15 an hour AND reelect Trump, I'd like to remind of the upper-left hand quadrant of this chart I made back in 2017. Lots of voters are socially conservative and economically liberal.



Centering Equity in Messaging



LEAD WITH
VALUES



USE TRUSTED
MESSENGERS &
WORK TO BE A
BETTER MESSENGER



TAILOR YOUR
MESSAGE TO
YOUR AUDIENCE



CONSIDER USING
STORYTELLING



FOCUS ON SYSTEMS,
CONDITIONS, AND
PLACES



TAKE AN ASSET-
BASED PERSPECTIVE



BE EMPATHETIC



LET YOUR PURPOSE
INFORM YOUR
COMMUNICATIONS



PROVIDE SUPPORT
TO DO WHAT IS
ASKED

Talking about Racism and Public Health: Focus on places, conditions, or systems, not individuals

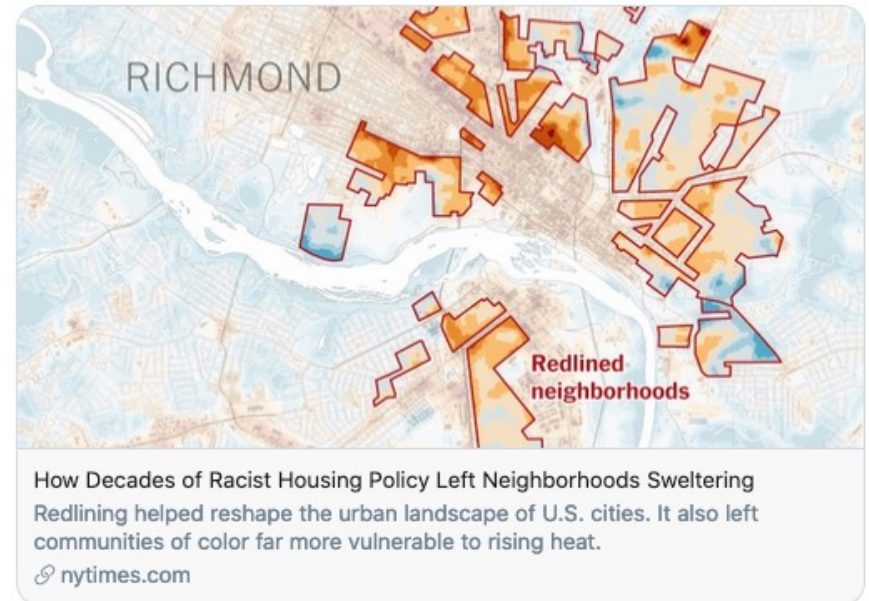


Brittani James, MD
@DrBrittaniJ

Instead of the Healthcare community asking how we can get Black folks to trust us, we should instead be asking “how do we become trustworthy?”

8:08 PM · 31 Jan 21 · [Twitter for iPhone](#)

946 Retweets **49** Quote Tweets **4,408** Likes





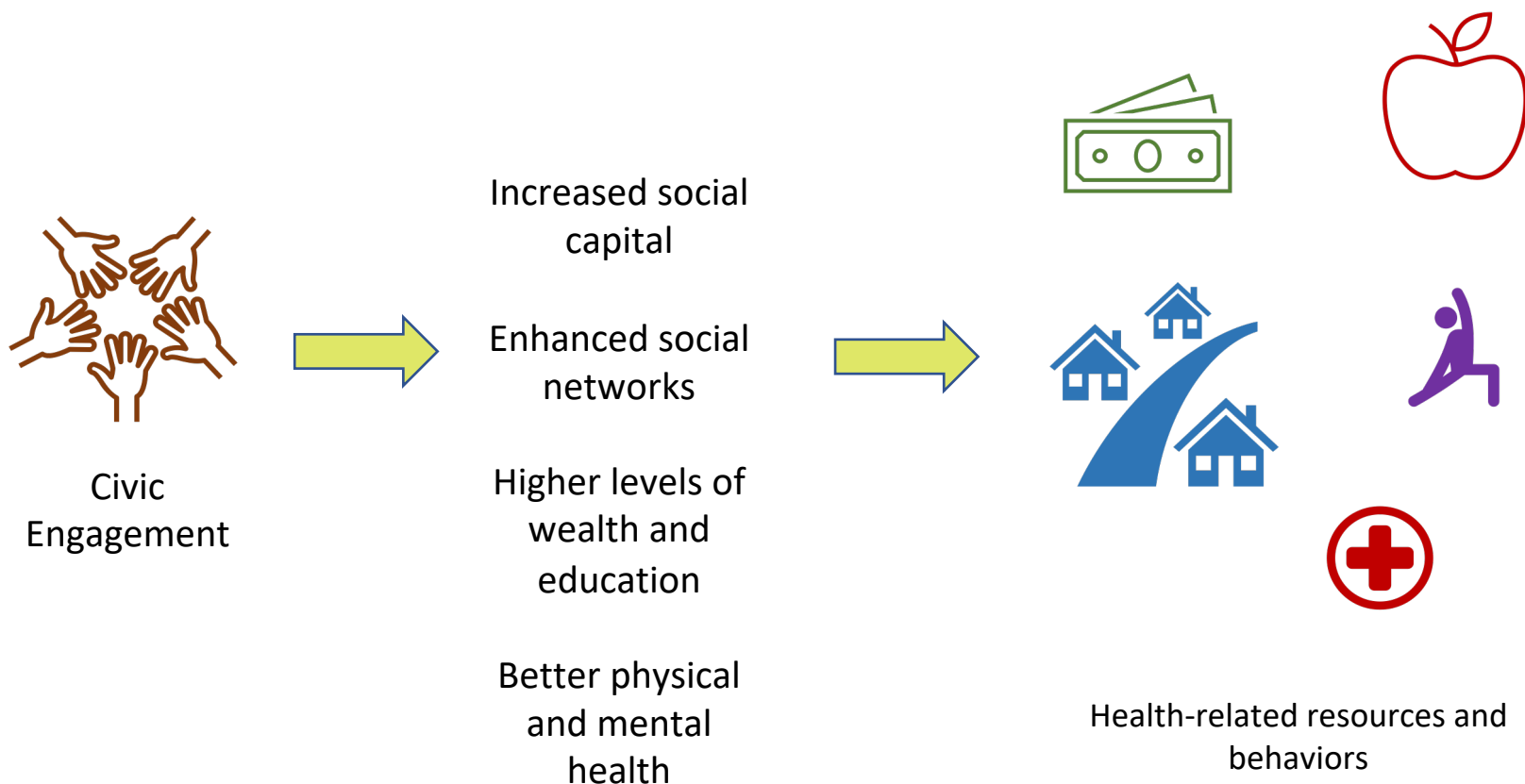
The Importance of **COMMUNITY** in Achieving Equity

Belonging to a community is powerful.

- ➡ It builds social capital and trust
- ➡ It increases access to health-related resources and behaviors
- ➡ Access to health-related resources and behaviors leads to better health

Engaging community members and incorporating community feedback into decision making builds social capital and trust.

Civic Engagement and Health





Civic Engagement and Health

» Civic Engagement is:

- Defined by activities like voting, volunteering, membership in community groups, and activism.
- A component of Social and Community Context, one of the social determinants of health.
- Associated with Self-Rated Health.



Excellent



Good



Fair

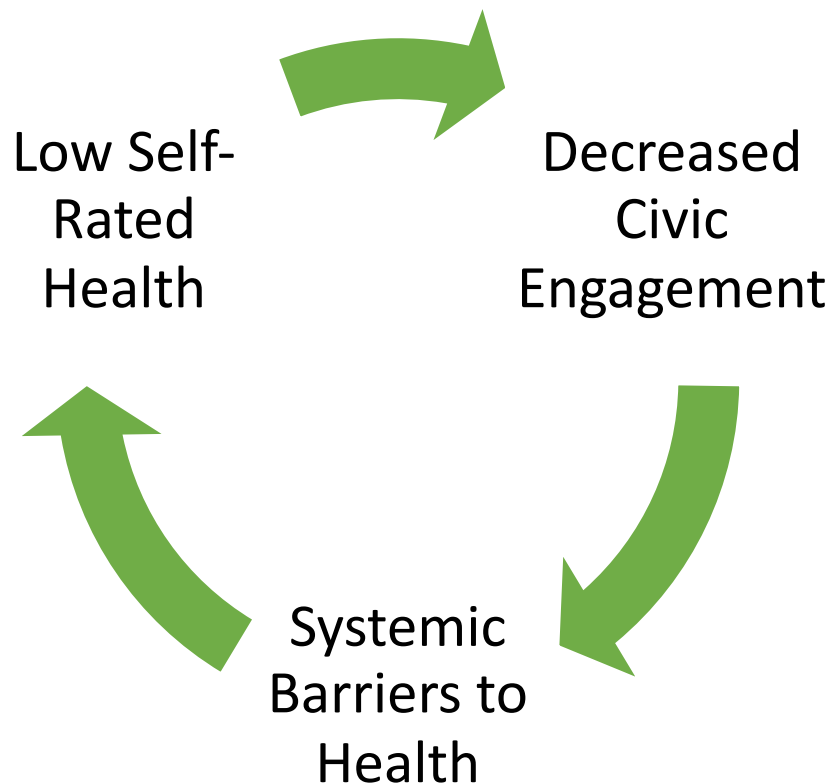


Poor



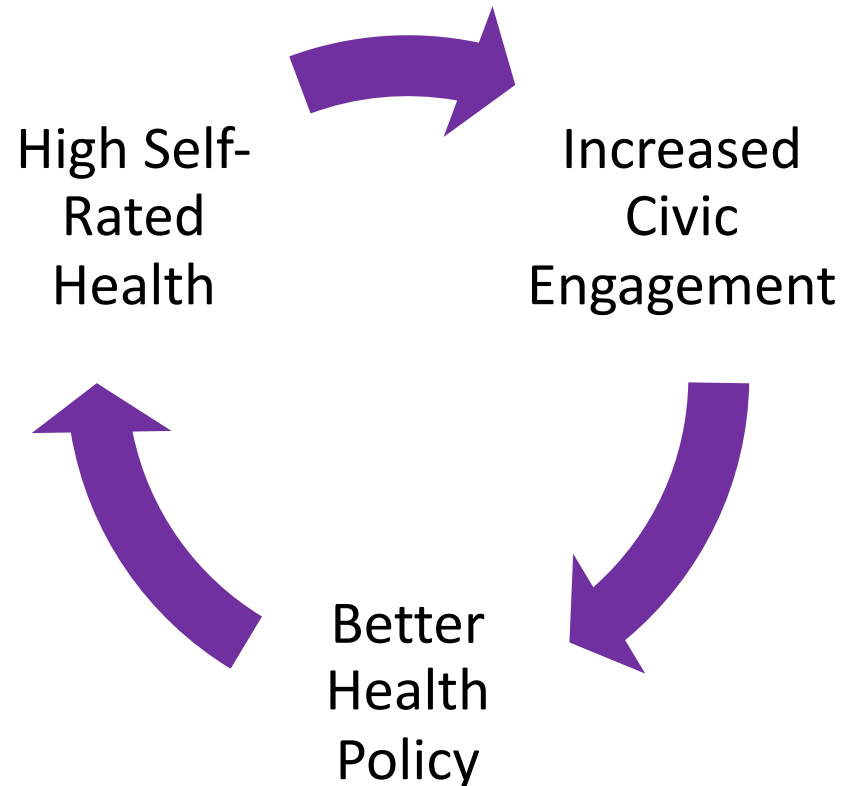
Very Poor

Civic Engagement and Health: A Reinforcing Loop





Civic Engagement and Health: A Reinforcing Loop





Healthy People Healthy Democracy Initiative

Promote healthy communities and advance health equity by assuring access to the ballot is available to everyone.





Health and Democracy Report Card

“In democracies, voting is an important action through which citizens engage in the political process. Although elections are only one aspect of political engagement, voting sends a signal of support or dissent for policies that ultimately shape the social determinants of health.”

We hope to help **organize narrative** by expanding the opportunity and capacity of public health to promote civic participation and voting as a path to health equity and healthy communities.



Supporters



Robert Wood Johnson
Foundation

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation.