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State Statutory and Administrative Law Research, Analysis, and Surveillance: Challenges and Opportunities

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Presented by

Jamie F. Chriqui, Ph.D., M.H.S.
Vice-President

Center for Health Policy and Legislative Analysis
The MayaTech Corporation

1100 Wayne Avenue · Suite 900 · Silver Spring, MD 20910
Phone: 301.589.1600 · Fax: 301-587-0709 ·
Web: www.mayatech.com E-mail: jchriqui@mayatech.com



Presentation Overview

- About The MayaTech Corporation
- Statutory and administrative law research and surveillance
 - Reasons for conducting
 - Considerations before conducting
 - Approaches to compiling and analyzing statutory/administrative law
 - Methods for incorporating public health law information into research and evaluation studies

About The MayaTech Corporation

- An applied, social science research firm
- Nearly 20 years experience in the public health arena
- Provide services to clients throughout DHHS as well as elsewhere in the Federal Government and the private sector
- Selected specialty areas:
 - Health policy and legislative analysis
 - Technical assistance and training
 - Conference and logistics management

MayaTech's Center for Health Policy and Legislative Analysis

- Over 12 years experience in the legislative analysis arena
- Services offered:
 - Legislative/regulatory research and analysis
 - Policy ratings/measurement for evaluation studies
 - Publications and materials development
 - ◆ Newsletters, fact sheets, web sites, etc.
 - Technical assistance
 - ◆ Interpretation and verification activities
 - Training

Some of our Legislative Analysis Clients

- **CDC Office on Smoking and Health**
 - STATE system legislative and appropriations data
- **National Cancer Institute**
 - State Cancer Policy Database Program
 - ASSIST Evaluation Legislative Ratings
 - Physical Activity Policy Tracking and Evaluation System Pilot Study
- **National Institute on Alcohol Abuse and Alcoholism**
 - Alcohol Policy Information System Feasibility Study
 - Local Alcohol Policy Information System Pilot Study
- **University of Illinois at Chicago**
 - State Illicit Drug Policy Research and Surveillance
 - State Substance Abuse Treatment Policy Research
- **Roswell Park Cancer Institute**
 - State Tobacco Legislative Research and Verification

MayaTech's Health Policy and Legislative Analysis Staff

- Attorneys
- Public policy/health policy analysts
- Library/information specialists
- Government affairs staff
- Experience at Federal, state, and local levels of government

Why Conduct Statutory/ Administrative Law Research?

Reasons for Conducting Public Health Law Research and Surveillance - 1

- “Public health legal preparedness” (Mensah et al., 2004)
 - Essential legal authorities
 - Public health professional competency in applying the law
 - Public health law best practices (research/evaluation)
 - Jurisdictional and disciplinary coordination

Reasons for Conducting Public Health Law Research and Surveillance - 2

- Information on the existence of laws is a necessary precursor to measuring implementation and enforcement of those laws
- Ongoing monitoring of changes over time (surveillance aspect)

What Should You Consider BEFORE Conducting Statutory/Administrative Law Surveillance?

Statutory/Administrative Law Research and Surveillance Considerations

1. Underlying research/surveillance purpose
2. Intended audience for the information
3. How will the information be accessed?
4. Data system considerations
5. Topical coverage
6. Resources

Statutory/Administrative Law Research and Surveillance Considerations

1. What is the underlying purpose for the legal research/surveillance?
 - Research and evaluation purposes
 - Best practices inventory
 - Legal monitoring
 - Technical assistance/training for public health lawyers/practitioners

Statutory/Administrative Law Research and Surveillance Considerations

2. Who will be the intended audience for the information?
 - Public health lawyers
 - Government officials
 - Public health practitioners
 - Researchers
 - General public/lay audience

Statutory/Administrative Law Research and Surveillance Considerations

3. How will the information be accessed?

- Data system (publicly accessible or restricted access)
- Synthesis/compilation products (newsletters, fact sheets, chart books, etc.)
- Technical assistance/training summaries

Statutory/Administrative Law Research and Surveillance Considerations

4. Data system considerations

- What will be the expected uses for the data system?
- What will be the data format?
 - Full-text, brief summaries, coded data
- Will the system be searchable or just used for reporting purposes?
- What will be the reporting formats?
 - Data tables, text summaries, full-text laws, graphical displays

Statutory/Administrative Law Research and Surveillance Considerations

4. Data system considerations (continued)

- What will be the periodicity of the data?
 - Historical vs. current/prospective
 - Updating frequency
- What type of laws will be captured?
 - Statutory
 - Administrative
 - Case Law
- Individual bill/regulation monitoring vs. current status of the cumulative law

Statutory/Administrative Law Research and Surveillance Considerations

5. What will be the topical coverage?
 - Ultimate research/surveillance purpose
 - ◆ Public health significance
 - ◆ Emerging public health issue
 - ◆ Research salience
 - ◆ Complexity of the legal issue area (Has resource implications)
 - ◆ Possible consideration given to variation in states (possibly important in research/evaluation studies)

Statutory/Administrative Law Research and Surveillance Considerations

6. Resources

- All other considerations will likely rest with a question of resources – how much money will be available to conduct the activity?
- Key consideration: Can the activity be conducted in stages?

Approaches to Compiling and Analyzing Statutory/ Administrative Law

Identifying Relevant Policies

- Data source
 - Primary vs. secondary data collection
- Familiarity and understanding of the topical area as well as the methods associated with conducting legal research/review
- Develop explicit decision rules, protocols, data dictionaries, user manuals, etc., to guide the policy identification and analysis process
 - *Will help to ensure consistency*

State Statutory/Administrative Law Data Sources

- Primary data collection
 - Legal research using legal research services, law libraries
 - Internet research
 - Surveys, interviews, field research
- Secondary sources
 - Advocacy groups, associations, unions, insurance companies, school boards, etc.

Primary Data Collection Considerations

- Use of on-line legal research services or conducting law library research
 - Ability to conduct systematic and consistent research
 - Consistent time point available for all states
 - Historical information availability
 - ◆ State statutory law consistently available dating back to early 1990s
 - ◆ State administrative law only recently available across states (2002 forward)

Primary Data Collection Considerations (cont.)

- Internet research
 - Often not “official” compilations
 - Not consistently available across all states
 - Inconsistency in updating frequency
 - Search limitations
- Surveys, interviews, and field research
 - Excellent confirmation method
 - Not reliable as sole data collection source

Secondary Data Collection Considerations

- What was the original purpose for the data collection effort?
- Partisan vs. non-partisan position on issue(s)
- Data collection method
- Data analysis and quality control method
 - Training/competency of staff
- Availability of original policy data or just coded information
- Temporality/timing of data collection and frequency of updating

What Do We Do With the Policy Once It Is Deemed Relevant?

- Review and analyze the law
 - Develop and use analytic guidelines to ensure consistency in analysis
 - Develop text descriptions, topical codes, and/or quantitative measures of the law
- Quality control review
- Enter the information into a data system
- Generate reports and other end products

Methods for Incorporating Public Health Law Information into Research and Evaluation Studies

Some Options for “Measuring” Public Health Law for Research and Evaluation Purposes

- Quantitative Approaches
 - Develop dichotomous variables
 - Develop ordinal measures or ratings of the extensiveness of the law
- Qualitative Approaches
 - Use of keywords
 - ◆ Need to ensure that each keyword has a unique and specific meaning

Quantitative Approaches to Measuring Public Health Laws for Research and Evaluation Purposes

■ Dichotomous variables

- Does a specific law exist?
 - ◆ *Con:* Does not capture scope or extent of the law

■ Ordinal scales or ratings (see Chriqui et al., 2002)

- What is the nature and the extent of the law?
 - ◆ Measures broad categories as well as the gradation of law within categories
 - ◆ Allows for weighting both within and across categories

Ordinal Ratings

- Developed to measure policy extensiveness and policy change over time
- Initially created for the NCI American Stop Smoking Intervention Study (ASSIST) Evaluation (See Alciati et al., 1998; Chriqui et al., 2002)
- Adapted subsequently for other topic areas (e.g., physical activity, cancer control)

Uses for a Rating System

- Dependent or independent variables in research and evaluation studies
- Comparative benchmarks for comparing across states
- State-level rating criteria can also be adapted and applied to local policies

Legal research and surveillance can be akin to climbing a mountain or traveling a long and winding road. It requires an interdisciplinary approach and lots of cooperation!



QUESTIONS?