



Best Practices for Building Legal and Cross-Jurisdictional Coordination Issues into Exercises

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**Public Health Infrastructure Center
Division of Partnership Support
Office of Public Health Law Services**

Tribal Public Health Emergency Preparedness Conference

May 7, 2026, 1:30 – 3:00 pm

DISCLAIMER

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- These materials are for instructional use only and are not intended as a substitute for professional legal or other advice.
- Always seek the advice of an attorney or other qualified professional with any questions you may have regarding a legal matter.

Office of Tribal Affairs and Strategic Alliances

Our Mission:

To improve health outcomes for American Indian/Alaska Native populations by upholding tribal sovereignty and fostering respectful government to government relationships



Why Engage with OTASA?

- ✓ Honor and affirm tribal sovereignty
- ✓ Support the federal trust and government-to-government responsibilities
- ✓ Access CDC Subject Matter Experts
- ✓ Promote respectful communication

We Are Here For You!

Connect with us at TribalSupport@cdc.gov for engagement, technical assistance, data requests and more

Division of State and Local Readiness (DSLRL)

- Help state and local, and territorial health departments prepare, respond, and recover from emergencies and disasters
- Monitor and evaluate public health capabilities, plans, and operational readiness of state, local, and territorial recipients
- DSLR's funding and technical expertise supports public health preparedness and response nationwide



Office of Public Health Law Services (OPHLS)

Vision: A public health infrastructure that protects the public by effectively using law to prevent, detect, and respond to infectious disease and emerging health threats.

Mission: To strengthen public health infrastructure by enhancing jurisdictions' capacity to use law to prevent, detect, and respond to infectious disease and other health threats through public health law practice and innovating public health law science.



PRIORITY #1

Advance Public Health Law Training, Curricula, and Teaching



PRIORITY #2

Advance the Public Health Law Evidence Base



PRIORITY #3

Create and Expand Career Pathways



PRIORITY #4

Cultivate Partnerships to Better Serve Public Health Needs

To access trainings and resources, request for technical assistance, and subscribe to the Public Health Law News, visit www.cdc.gov/phlp/.

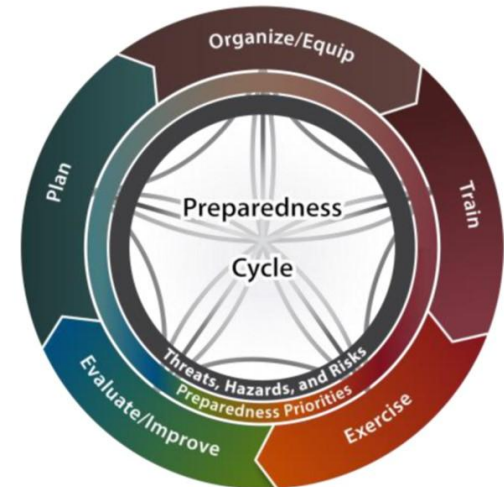
Learning objectives

- 1. Understanding Legal Preparedness:** Provide an overview of the role of law as a tool in carrying out public health emergency response authority and common legal and cross-jurisdictional coordination issues.
- 2. Practicing Legal Preparedness:** Create an emergency preparedness exercise scenario that includes injects, which give rise to legal matters.

Understanding legal preparedness

Role of law: before, during, and after an emergency

- Provides the agency with necessary **authorities and policies** and **governs how they're used**
- Attorneys anticipate, protect, and defend the agency against legal liability to **maximize effectiveness** and **minimize legal exposure** by—
 - Triaging legal issues and answering legal questions
 - Incorporating law in SOPs, plans, and strategies
- After-action **reviews** that **examine legal and administrative** issues allow the agency to determine how to—
 - Improve response **procedures**
 - Develop needed legal **improvements**
 - Identify needed law-related **competencies**



What is public health legal preparedness?

- Understanding the role of **law as a tool** in carrying out public health emergency response authority
- Recognizing **perceived and actual legal barriers** to implementing certain response actions
- Incorporating legal requirements and procedures into **preparedness plans, exercises, and activities**

Tribes and Cross-Jurisdictional Coordination

- Tribes are free to enter into intergovernmental agreements with state, local, or other Tribal governments on cross-jurisdictional issues, including emergency preparedness
 - In general, states have limited jurisdiction with respect to Tribal lands
- Emergency management plans often detail specifics for coordination with other governments
- Intergovernmental agreements allow governments to formalize arrangements to share data, personnel, and other resources
 - Mutual aid agreements
 - Memoranda of understanding
 - Tribal emergency mutual aid compacts



Addressing Jurisdictional Concerns in Tribal Mutual Aid Agreements

- Best Practices:

- Including Tribal sovereignty language from the beginning so that the government-to-government relationship is clear
- Creating one umbrella agreement that covers the basics in a public health emergency, then adding addenda to address specific situations
- Designating specific personnel for each party to ensure consistent and frequent communication

MUTUAL AID AGREEMENT FOR TRIBES AND LOCAL HEALTH JURISDICTIONS IN WASHINGTON STATE

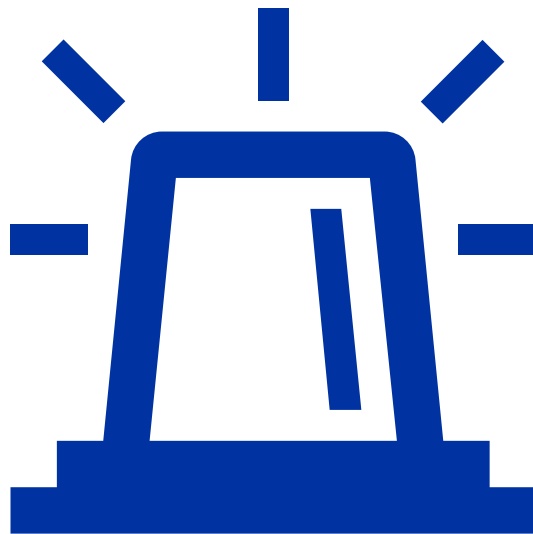
This Mutual Aid Agreement for Tribes and Local Health Jurisdictions in Washington State ("Agreement" or "MAA") is made and entered into by the signatory Local Health Jurisdiction(s) within the State of Washington that operate(s) a public health department(s) or division(s) within their county government(s) and the signatory Tribal Government(s) individually with all other signatory parties legally joining the Agreement.

1. **PURPOSE.** Each Party recognizes that public health emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential for the protection of lives and for best use of available assets. This Agreement shall provide for mutual assistance among the Parties in the prevention of, response to, mitigation of and recovery from, any public health emergency, public health disaster, or public health incident. The intent of this Agreement is to make equipment, personnel and other resources available to other Parties to the Agreement.
2. **DEFINITIONS.**
 - a. **Assistance:** Assistance means personnel and resources provided by a Responding Party in response to a request from a Requesting Party.
 - b. **Authorized Representative:** The person or persons designated by each Party on the Mutual Aid Request Form to request Assistance from or grant assistance to another Party pursuant to the terms of this Agreement.
 - c. **Public Health Officer:** The legally qualified individual who has been appointed as the health officer for the tribe, county or district public health jurisdiction, whose qualifications are set forth in tribal code or in RCW 70.05 and RCW 70.08 et seq.
 - d. **Mutual Aid:** A prearranged written agreement whereby assistance is requested and may be provided under the terms of this Agreement between two or more jurisdictions during a public health incident, emergency or disaster, or related to day-to-day public health services, communicable disease outbreak, isolation and quarantine public health services, or any other public health service or action permitted by law.
 - e. **Mutual Aid Request Form:** The form used between the Responding and Requesting Parties to facilitate requests for mutual aid, estimate reimbursement costs, and assist in proper record keeping.
 - f. **Operational Control:** Operational control means the limited authority to direct

American Indian Health Commission's [Template Mutual Aid Agreement for Tribes and Local Jurisdictions](#)

Practicing legal preparedness

Activity!



What now?

- Think about law! Know how to spot issues during an emergency
- Identify potential legal questions before emergencies
 - Incorporate answers into preparedness policies, plans, trainings, and exercises
- Engage with agency attorneys to stay current on laws that may impact your public health center and response capabilities
 - Responder surge
 - Disease investigations
 - Disease control
 - Emergency procurement
 - Mutual aid

Q&A



Questions, comments, or thoughts?

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Additional resources

Tribal legal preparedness trainings



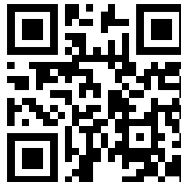
Training

Four modules were developed by the TLPP:

- What Is Legal Preparedness And Why Is It Important To Tribal Nations
- Jurisdictional Issues And Using The Law To Enhance Cross Jurisdictional Collaboration
- Disaster Declarations
- Best Practices

The modules provide an introduction to legal preparedness that can be used to educate Tribal leadership, discuss how the law can be used to achieve cross-jurisdictional coordination, and explain the disaster declaration mechanism, including the new direct Tribal disaster declaration process. The last module provides an array of best practices shared by Tribal Nations, including audio and video recordings of Tribal public health/emergency management practitioners, so that Tribal Nations are sharing their success stories and helping other Tribes.

<http://www.tlpp.pitt.edu/>



Updated Emergency Law Inventory

eli EMERGENCY LAW INVENTORY

Home U.S. Jurisdictions About More Info ▾

FIND LAWS →

Navigating Disaster Responder Laws Across the United States by Role, State/Territory, and Topic

All laws are current through at least February 2023.

FIND LAWS →




<https://eli.temple.edu/>



Public Health Emergency Law Online Training

Management of public health emergencies requires effective use of legal authorities. In these incidents, public health and emergency management responses must be coordinated under a complex set of federal, state, tribal, and local laws. CDC's Public Health Emergency Law course prepares state, tribal, local, and territorial practitioners to make informed legal decisions related to emergency preparedness and response activities in their jurisdictions.

PHEL consists of three [competency-based](#) units and covers legal issues to consider before, during, and after public health emergencies. Each interactive unit takes about 40 minutes to complete.

- [Unit 1—Introduction to Emergency Management Systems Preparedness and Response](#) 
Covers the legal underpinnings of emergency management systems
- [Unit 2—Emergency Powers: Protection of Persons, Volunteers, and Responders](#) 
Describes legal considerations for personnel responding to emergencies
- [Unit 3—Emergency Powers: Management and Protection of Property and Supplies](#) 
Examines considerations surrounding materials and property during public health emergencies



Ohio National Guard members load drinking water onto a helicopter for delivery to Ocean Springs, Mississippi, after Hurricane Katrina disrupted water supplies along the Mississippi Gulf Coast.


<https://www.cdc.gov/phlp/php/trainingandeducationalresources/public-health-emergency-law-online-training.html>



Law and Epidemic Emergency Preparedness (LEEP) Online Training

State, tribal, local, and territorial health department staff, emergency planners and managers, first responders, and anyone working in response to an epidemic often face complex legal issues when working to stop the spread of a highly infectious communicable disease.

CDC's free online Law and Epidemic Emergency Preparedness (LEEP) training covers provisions and concepts applicable to epidemic response, including various challenges faced during the 2014 Ebola response, and applies them to future infectious disease emergency response planning. LEEP examines legal underpinnings of emergency preparedness and response systems, what actions are authorized, and how to minimize legal barriers to an effective large-scale communicable disease response.

[Go to LEEP Training](#) 

LEEP consists of eight units. Units 1, 2, and 3 provide participants with a foundation in legal issues surrounding law and epidemic emergency preparedness, and units 4, 5, 6, 7, and 8 cover specific situations you may encounter during an epidemic.



<https://www.cdc.gov/phlp/php/trainingandeducationalresources/training-leep.html>



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