

Legal Forum: Cross-Jurisdictional Legal Issues in Tuberculosis Control

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TB Legal Forum: U.S. States Participants

Invited participants included legal counsel and public health program staff from:

- Selected state (California, Arizona, New Mexico, Texas);
- Federal;
- Tribal;
- national organizations.

TB Legal Forum: U.S. States Concept

- The objective of the cross-jurisdictional legal forum was to identify legal considerations and barriers regarding TB control for patients who move across jurisdictional borders.
- The focus on this meeting is the four U.S. states along the U.S.-Mexico border.
- The forum was held in a workshop format.

TB Legal Forum: U.S. States Purpose

- To gain a mutual understanding of each participating states' laws to detect and control tuberculosis (TB)
- To compare and contrast state, tribal, and Federal public health statutes in the respective states
- To identify legal considerations for inter-jurisdictional collaboration (e.g., information sharing, moving patients across state lines, admitting documentation and legal evidence collected in another state)

TB Legal Forum: U.S. States

Purpose

- To develop an understanding of Federal legal authorities with regard to cross-jurisdictional TB control and to people entering and leaving the United States
- To develop an understanding of public health authorities with regard to people in the custody of Federal law enforcement agencies [i.e., U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection/Border Patrol (CBP), U.S. Marshals Service, Federal Bureau of Prisons]

TB Legal Forum: U.S. States

Purpose

- To identify existing agreements, memoranda of understanding, etc., for inter-jurisdictional collaboration for TB control
- To gain an understanding of provisions of the new International Health Regulations that may apply to TB control
- To identify legal barriers to inter-jurisdictional collaboration for effective TB control
- To propose recommendations and solutions to reduce barriers to treatment

TB Legal Forum: U.S. States

The participants asked to describe the public health laws in their State or Tribal Nation, relevant to U.S. statutes and regulations addressing public health and immigration, and the International Health Regulations (2005). Description of public laws included whether the laws were:

- TB-specific;
- The source of the legal authority;
- The criteria are used to initiate and continue legal action;
- Whether U.S. residency status affects TB care and court-mandated case isolation, quarantine, and management.

TB Legal Forum: U.S. States

Interjurisdictional TB issues that were discussed included:

- The admissibility of evidence in a jurisdiction other than where it is collected;
- the varying rules of evidence between states for documentation of nonadherence with treatment,
- the need for regionalization,
- areas in which the four states can improve cooperation,
- communication between states and Native American tribes, and tribal inclusion in collaborations.

TB Legal Forum: U.S. States

- Other issues that were discussed included:
 - Binational Case Management Challenges
 - MDR-TB
 - XMDR-TB
 - Immigration Enforcement Issues
 - ICE Custody and Detention
 - Completion of TB Therapy