**Administrative Preparedness Legal Guidebook**

**Background and Introduction**

Administrative preparedness, an often-overlooked component of public health preparedness, is the process of ensuring that fiscal, legal, and administrative authorities and practices governing funding, procurement, contracting, and hiring can be modified, accelerated, and streamlined during an emergency to support public health preparedness response and recovery efforts. Though many laws, policies, and procedures impacting administrative preparedness are available in most jurisdictions, only about half of local health department emergency preparedness coordinators are aware of their existence.[[1]](#footnote-1) Additionally, nearly half do not have, or are unsure whether they have, a formal written administrative preparedness plan.[[2]](#footnote-2) A lack of knowledge regarding these available options can cause undue delays in the acquisition of goods and services, hiring or assignment of personnel, disposition of emergency funds, and determination of laws needed to implement health and protective measures, potentially resulting in major consequences for communities facing public health emergencies.

The National Association of County and City Health Officials (NACCHO) developed this legal guidebook to assist public health professionals improve their department’s administrative preparedness capabilities and ensure that its administrative operations support response activities by encouraging collaborative preparatory work among preparedness, legal, human resources, procurement, and other staff.

**How to Use this Guidebook**

While the *Administrative Preparedness Legal Guidebook* is geared towards local health departments, many of its guiding principles can be scaled to assist decision-makers at the state level. This guidebook contains four sets of standalone tools (e.g., decision-aids and visual pathways) that help users incorporate their jurisdiction’s individual laws, policies, and procedures into a formal written administrative preparedness plan:

* Emergency Declaration Toolset: Supports health department decision-making processes for considering, implementing, or reviewing the use of state/local emergency declarations
* Emergency Procurement Toolset: Assists efforts to quickly procure resources during public health emergency response and recovery
* Expedited Staffing Toolset: Provides guidance for determining if/when an agency should expedite hiring, volunteer organization, or reassign personnel
* Mutual Aid Agreement and Memorandum of Understanding Toolset: Outlines steps for requesting aid from collaborating jurisdictions or entities participating in mutual aid agreements or memoranda of understanding

Each toolset may be utilized independently and follows no specific order. Please refer to the instructions below to maximize their value:

* Decision-aids
	+ Begin using each decision-aid with “Question #1”
	+ Please read the question and corresponding answers in their entirety before answering each question
	+ Answer each question using “yes” or “no” responses and closely follow the instructions. Some answers will instruct users to proceed to the following question while others will refer to a different document or suggest alternative courses of action
	+ Consult with legal counsel and other relevant staff (e.g., procurement, human resources, health department administration, etc.) to identify and insert appropriate state and local laws, policies, or procedures into the underlined locations in the decision-aid tools
	+ Use decision-aid in conjunction with its corresponding visual pathway from the same toolset to gain high-level perspective on progression through the described process
* Visual Pathways
	+ Start by reading and answering the first question featured in pathway
	+ Follow the path matching your response to the most recently answered question and continue to follow the pathway until you have answered all the questions
	+ Use visual pathway in conjunction with its corresponding decision-aid from the same toolset to gain additional insight regarding suggested courses of action, state/local law, policies, and procedures

Additional NACCHO resources and other sources are included in this guidebook to help you develop administrative preparedness capabilities.

Always consult with legal counsel for jurisdiction-specific legal advice regarding preparedness or other areas of public health.

Thank you for using the NACCHO Administrative Preparedness Legal Guidebook **[[3]](#footnote-3)**

**Mutual Aid Agreement and Memorandum of Understanding
Decision-aid Tool**

**Question #1:** Does the current situation exceed your health department’s ability to maintain the public’s health?

* If yes, proceed to Question #2.
* If no, address current situation within your health department’s regular capacity.

**Question #2**: Review *Insert relevant State/Local Citation(s) regarding State/Local mutual aid policies and procedures*. Is your local jurisdiction a part of any mutual aid agreements (MAAs) or memoranda of understanding (MOUs) that are not directed by your state or the result of the Emergency Management Assistance Compact (EMAC)?

* If yes, proceed to Question #3.
* If no, consider alternative remedies for your emergency situation, including:
	+ Working with the state to determine how you may be able to leverage state-level MAAs or MOUs,
	+ Procurement options (review *Emergency Procurement Toolset* for guidance),
	+ Staffing options (review *Expedited Staffing Toolset for guidance*),
	+ Emergency declaration options (review *Emergency Declaration Toolset for guidance*).

**Question #3:** Consider the options for assistance outlined within *Insert relevant State/Local Citation(s) regarding State/Local mutual aid policies and procedures*. Do any of these documents provide a potential remedy for your emergency situation?

* If yes, proceed to Question #4.
* If no, consider alternative remedies for your emergency situation, including:
	+ Working with the state to determine how you may be able to leverage state-level MAAs or MOUs,
	+ Procurement options (review *Emergency Procurement Toolset* for guidance),
	+ Staffing options (review *Expedited Staffing Toolset for guidance*),
	+ Emergency declaration options (review *Emergency Declaration Toolset for guidance*).

**Question #4**: Consider document previously identified as providing a potential remedy for your emergency situation. Does this document include information regarding the procedure for requesting relevant assistance?

* If yes, consider the following actions:
	+ Identify appropriate resources to remedy emergency situation
	+ Consider costs associated with resources and ensure funding is available
	+ Follow the directives outlined in relevant document to make resource request
* If no, work with legal counsel and appropriate authorities to determine how to utilize relevant provisions.

**Mutual Aid Agreement and Memorandum of Understanding
Visual Pathway**

Is your jurisdiction party to MOUs/MAAs?

Yes

No

Does the current situation exceed your health department’s ability to maintain the public’s health?

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Work with legal counsel and appropriate authorities to determine how to utilize relevant resources

Consider the following actions:

* Identify appropriate resources
* Consider costs and ensure appropriate funding is available
* Follow the directives outlined in relevant document

Yes

No

Do relevant MOUs/MAAs provide procedures for requesting relevant assistance?

No

Continue non-emergency operations

Consider alternative remedies for current situation

No

Yes

Do MOUs/ MAAs provide resources relevant to current situation?

Yes

**Disclaimer**
Do not solely rely on this document during an emergency. Please work with your counsel when completing and using this tool.

1. NACCHO 2015 Preparedness Profile Assessment [↑](#footnote-ref-1)
2. NACCHO 2016 Preparedness Profile Assessment [↑](#footnote-ref-2)
3. This guidebook was made possible through the support of the Centers for Disease Control and Prevention (CDC), cooperative agreement #5U38OT000172-05-00. NACCHO is grateful for this support. The views expressed within do not necessarily represent the official views of the CDC. [↑](#footnote-ref-3)