

Environmental Health Policy & Practice

Lesson 16.
**Legal Remedies:
Administrative
Actions**



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Announcements

❖ **DEOHS Seminar:**

- **Title:** *Historic Innovation in Workers' Compensation Health Care Delivery in WA State: Integrating Care to Prevent Long Term Disability*
- **Speaker:** Gary Franklin, MD, MPH
Medical Director,
Washington State Dept. of Labor & Industries
and Research Professor, DEOHS
- **Date:** Thursday, 3 May 2012
12:30 - 1:20 p.m.
Room T-435, HSB

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Lesson Overview

- ❖ **Rule Making**
- ❖ **Compliance Procedures**
- ❖ **Administrative Hearings**
- ❖ **Summary Abatement of Nuisance**

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Lesson Objectives

- ❖ Know the administrative options generally available to resolve environmental health problems;
- ❖ Be able to determine which options are available for a given program;
- ❖ Be able to select the most appropriate course of action to resolve a given problem.

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Rule Making

- ❖ Rules
 - Apply to Groups
 - Any sanctions follow an adjudicative proceeding
 - Based upon general or legislative facts rather than specific instances
- ❖ Types of Rules
 - Legislative
 - Interpretive

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Compliance Procedures

- ❖ Suspension / Revocation of permit or license
- ❖ Seizure of goods / products
- ❖ Condemnation of property
- ❖ Assessment of Penalties

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Administrative Hearings

- ❖ Nature
- ❖ Types
 - Quasi-legislative hearings
 - Quasi-judicial hearings
- ❖ Procedures
- ❖ Effect

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Summary Abatements

- ❖ Public vs. Private Nuisances
- ❖ Requirements
 - Authority
 - Grounds
 - Procedures
 - ✓ Notice
 - ✓ Right to a hearing
 - Effect

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Cases

- ❖ *Rome v. New York Health Dept.*
- ❖ *Commonwealth v. Sadecky*
- ❖ *Dworkin v. Town of Lakeview*

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Rome v. New York Health Dept.

- ❖ **Facts**
 - Who did what to whom, when?
- ❖ **Arguments & Legal Issues**
 - Who's suing whom, for what, where?
 - Why?
- ❖ **Court History**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**

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Commonwealth v. Sadecky

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 - Who did what to whom, when?
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 - Who's suing whom, for what, where?
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- ❖ **Decision**
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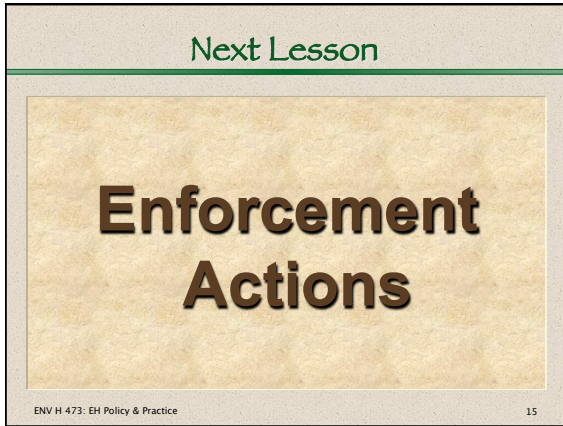
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Dworkin v. Town of Lakeview

- ❖ **Facts**
 - Who did what to whom, when?
- ❖ **Arguments & Legal Issues**
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- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**

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Next Lesson



**Enforcement
Actions**

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