



Professor Kevin L. Antoine, JD, Inaugural Speaker For CDC Office of Health Equity Speaker Series

Professor Kevin L. Antoine, JD, Assistant Vice President and Assistant Professor of Health Law & Policy at the State University of New York Downstate Medical Center, located in Brooklyn gave the inaugural address of the Center for Disease Control (CDC) National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention's (NCHHSTP) Office of Health Equity (OHE) Speaker Series. The title of Professor Antoine's presentation, given on August 27, 2015 was, "The Balance of Power: Controlling the Spread of Infectious Disease While Protecting Individual Civil Liberties."



Professor Kevin Antoine, JD

Professor Antoine's remarks explored the tension between addressing public health concerns and protecting individual civil rights, the tension between roles of different levels of government, and the conflict between state and federal law in establishing national public health protocols to contain the spread of infectious disease.

"State action that forcibly detain Americans "suspected" of being infected with an infectious disease, without federal procedural safe guards, is a violation of federal due process and federal civil rights laws. At a minimum Americans suspected of being infected with an infectious disease should be given written notice explaining the following: the reason for their detainment, the length time for their detainment, habitable living area, and compensation for any missed time at work. They are being evaluated for public health concerns, not being arrested and sent to jail," Professor Antoine added.

Citing Article VI Section 2 of the United States Constitution that provides "that the Constitution, and the Laws of the United States ... shall be the supreme Law of the Land", Professor Antoine argued that the CDC should assert its federal authority over state governors and state health departments in establishing national protocols to prevent the spread of infectious diseases. Professor Antoine commented that, "presently we have 50 different states making 50 different policies and protocols in the area of containing the spread of infectious disease. In some instances big cities are passing local ordinances on how to contain the spread of infectious diseases", the professor added.

Professor Antoine said the Public Health Service Act already grants the Secretary of the Department of Health and Human Services (HHS) the authority to declare public health emergencies. Logically, Professor Antoine added that, "under that law the Secretary of HHS could delegate authority to the CDC to establish national protocols to contain the spread of infectious diseases.

Professor Antoine is a former Fellow of the Harvard School of Public Health. He received his law degree from the College of William & Mary, Change Leader of Organizational Change certificate from Cornell University, and received his undergraduate degree from the University of Southern Mississippi. In 2014 he received Insight Into Diversity Magazine Visionary Award, the only individual honor of its kind nationally.