

HEALTH FAIRS

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1. Introduction.

Hospital and MEDCEN JAs are sometimes asked for advice on health fairs. There is no specific regulatory guidance on this subject. This article identifies some of the legal issues associated with health fairs and provides a framework for analysis.

2. What is a "Health Fair"?

A health fair is a health and wellness promotional event open to some segment of the public. It may be a single-purpose event, or part of a larger community event, such as an installation open house. The term "health fair" may be used by its organizers to describe anything from a purely informational event open only to military health care beneficiaries, to a screening or testing program open to all members of the public. In order to give good legal advice, the JA needs to know exactly what services are planned and who will be allowed to participate.

3. Authority for Health Fairs.

The Army is authorized in general terms to conduct activities for the morale and welfare of the military community,² and to further good relations with the civilian community.³ MEDCENS and MEDDACs are required to have preventive medicine programs, which include activities to inform and educate the military community and civilian work force.⁴ Army installations are also required to have a Health Promotion Program, which encompasses a variety of activities designed to improve and protect health, including health education and health risk appraisals for the entire military community.⁵

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²AR 210-10.

³AR 360-61.

⁴AR 40-5, Chapters 2,5,6, and 7.

⁵AR 600-63.

All of these programs and policies imply authority to conduct some form of public health promotion activity, but none provides any specific guidance.

4. Participants and Services.

a. Health fairs must be limited to information and education. No patient care may be provided. One reason for this limitation is that it is usually not practical to limit attendance to DoD health care beneficiaries at a public event. Equally important is the risk of liability created by providing health care without appropriate follow-up.

b. Informational literature may be distributed; lectures may be given; skills may be demonstrated; videotapes may be shown. To enhance the educational effort, limited non-invasive screening may be done, such as determination of height, weight, and blood pressure. If any screening is performed, participants must be clearly informed that it is for educational purposes only, and is provided with the understanding that the individual screened will use the information to make his or her own health care decisions.

c. Participants should not be asked to provide personal data, such as social security number or medical history. If they are asked to provide such information, they may believe that records will be created and some follow-up will result.

d. If the event is limited to DoD health care beneficiaries, and the MTF desires to provide more than minimal educational screening or tests, such as prostate or breast cancer screening, it should be called something other than a "Health Fair," such as "Prostate Cancer Screening Day." It should be held at the MTF, records should be created and kept in the same manner as any clinic visit, and procedures must be in place for any follow-up indicated by the screening or test result.

5. Private Organization Participation.

If a private organization, commercial or otherwise, is involved, there may be other legal issues. The JA needs to know exactly what the role of such an entity will be to determine whether there are issues involving official relationships with private organizations,⁶ gifts to the Army,⁷ or commercial

⁶DoD 5500.7-R, Joint Ethics Regulation, paragraph 3-200, *et seq.*;
AR 210-1.

⁷10 U.S.C. 2601; AR 1-100.

solicitation.⁸ For example, if local civilian health care organizations participate, they must agree not to solicit follow-up appointments. Or, if a pharmaceutical company donates informational literature to be handed out, applicable gift acceptance procedures must be followed, and a disclaimer of endorsement may be appropriate if the materials contain advertising.

Comment [COMMENT1]:

6. Conclusion.

Health fairs are legitimate components of preventive medicine and community relations programs, but they can contain numerous legal pitfalls. JA involvement at the planning stage can ensure they accomplish their purpose without legal problems.

⁸AR 210-7.

