

BCHHS Board Annual Training on Roles and Responsibilities of Local Boards of Health

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Director

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Legal Responsibilities and Authority

- **G.S. 153 A-77. (c):** A consolidated human services board appointed by the board of county commissioners shall serve as the policy-making, rule-making, and administrative board of the consolidated human services agency.
- **G.S. 130A-1.1:** This law declares that the mission of the public health system is to promote and contribute to the highest level of health possible for the people of North Carolina, and requires each local health department to ensure that the 10 essential public health services are available and accessible.
- **G.S. 130A-34:** North Carolina law requires each county to provide public health services by operating a County Health Department or consolidated Health and Human Services Agency, or by participating in a multi county district health department. Alternatively, a county may form a single or multi county public health authority.
- **G.S. 130A-2(4):** All types of local health departments are governed by local boards of health, which serve as the policy-making, rule-making, and adjudicatory body for the department. In some counties the board of county commissioners serves as the board of health.
- **G.S. 130A-40:** Each local health department must have a local health director who has education and experience in medicine, public health, or public administration related to healthcare, and who exercises legal powers and duties set out in multiple state statutes and rules.



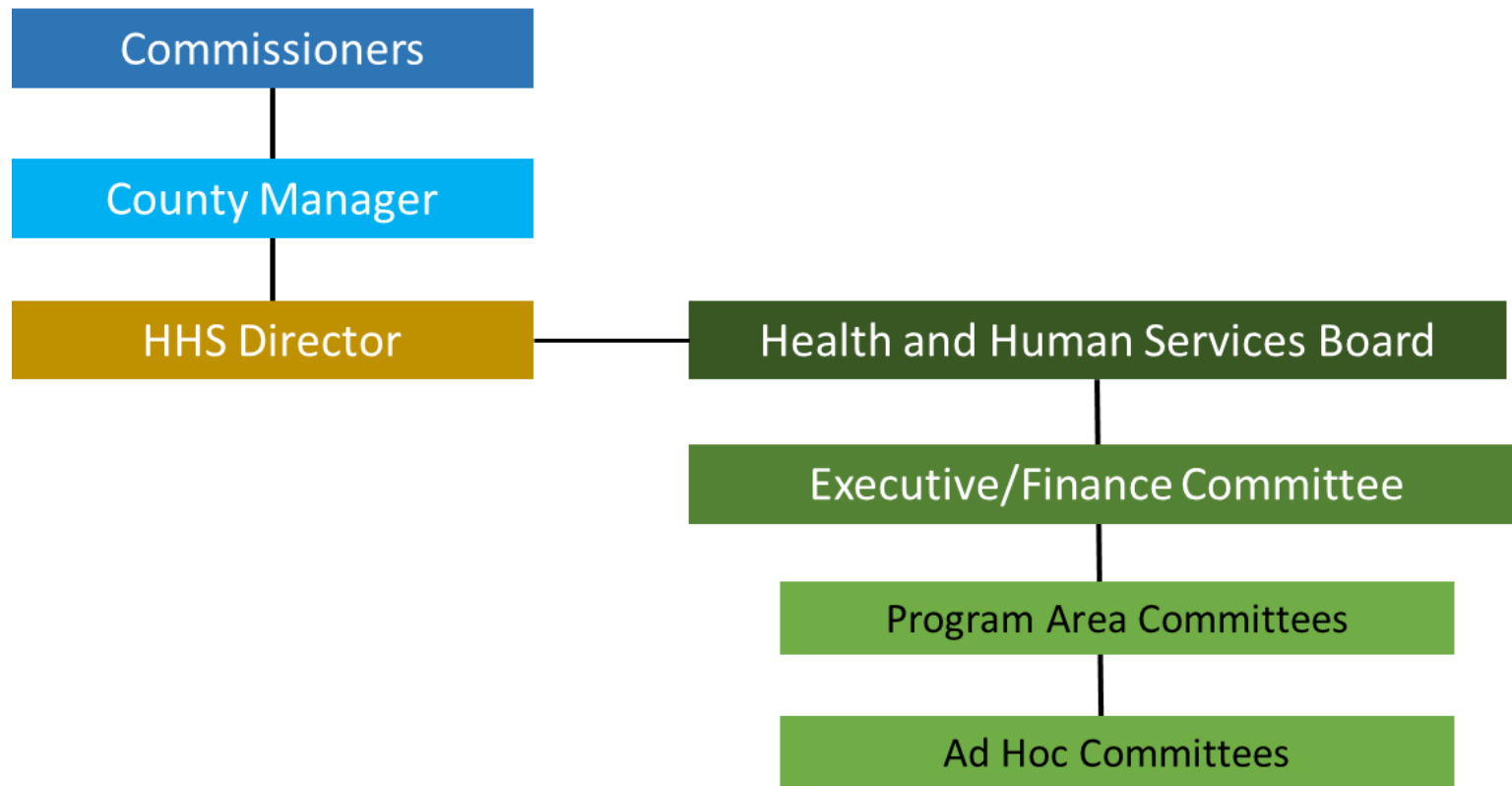


September 4, 2012

DSS Board and Public Health Board formally merged to create the Health and Human Service Board.



Buncombe County Health and Human Services Board



Roles and Duties of CHS Boards

- Set fees for services based on recommendations of the human services director
- Assure compliance with laws related to state and federal programs administered by the CHSA
- Recommend creation of local human services programs
- Adopt local health rules and participate in appeals related to enforcement of those rules
- Perform regulatory health functions required by state law
- Act as coordinator or agent of the state when required by state or federal law
- Plan and recommend a consolidated human services budget
- Conduct audits and reviews of human services programs
- Advise local officials through the county manager
- Perform public relations and advocacy functions
- Protect the public health to the extent required by law
- Develop certain dispute resolution procedures for contractors, clients and public advocates



CHS Boards-- Roles and Duties Specific to Public Health

- Adopt local public health rules
- Impose fees for local public health services with the approval of the county commissioners (except when state law prohibits local fees)
- Adjudicate disputes about local health rules or the local imposition of administrative penalties (fines) for violations of public health laws



“A local board of health shall have the responsibility to protect and promote the public health.”

G.S. § 130A-39



THIS IS PUBLIC HEALTH.
thisispublichealth.org



Roles and Duties of the Board of Health

Role: Protect and promote the public health



Powers and Duties:

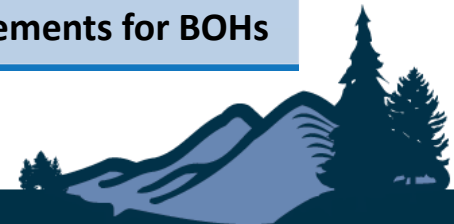
Adopt local public health rules

Adjudicate disputes regarding local public health rules

Make policy for local public health agency

Impose local public health fees

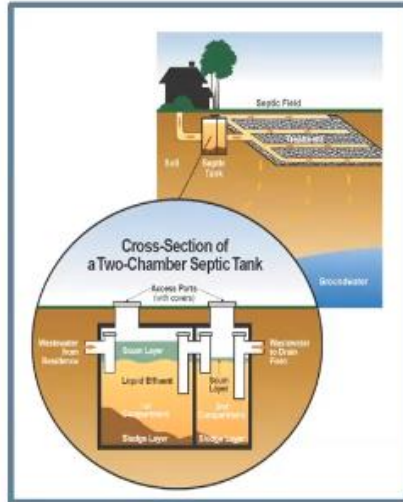
Satisfy state accreditation requirements for BOHs



Local Public Health Rules



What is a BOH rule and what can it do?



In order to protect or promote the health of the public, a BOH rule may:

- Prohibit people from taking certain actions,
or
- Require people to take certain actions.

A BOH rule is an *administrative* action that is authorized by state law and subject to limits imposed by state laws.

Image Sources: compliancesigns.com & site.extension.uga.edu



Additional Limitations on Rules

Food and Lodging Sanitation:

- Local rules are generally not allowed

Private drinking water wells:

- Local rules must adopt and supplement state rules, provided it complies with the following:
 - The board of health must adopt the state drinking water well rules by reference.
 - The board may then add more stringent provisions “when necessary to protect the public health.”

On-site wastewater:

- Local rules must adopt and supplement state rules
- State must approve local rules

Smoking:

- Local rules may regulate smoking in specified places
- Board of County Commissioners must approve local rules



Peedin Test

The *Peedin* test states for a rule to be valid, a local BOH rule must:

- Be related to the promotion or protection of health;
- Be reasonable in light of the health risk addressed;
- Not violate any law or constitutional provision;
- Not be discriminatory; and
- Not make distinctions based upon policy concerns traditionally reserved for legislative bodies.



Rule Making Checklist



PLAN THE RULEMAKING ACTION



ASSESS THE BOARD'S LEGAL AUTHORITY TO TAKE THE RULEMAKING ACTION



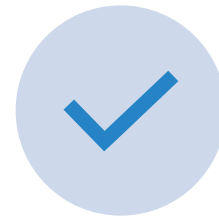
DRAFT THE PROPOSED RULE



GIVE NOTICE OF THE RULEMAKING ACTION AND THE MEETING IN WHICH ACTION WILL BE TAKEN



ADOPT THE RULE IN AN OPEN MEETING



IMPLEMENT AND ENFORCE NEW RULES



Summary of the BCCHS Board's Public Health Roles and Responsibilities

Overall role: Public Health policy, rule-making and adjudication

Focus: Developing and supporting policies designed to protect and promote the public's health

Primary Purpose: Support the Department of Health and Human Services in achieving its public health goals



References

- [Rulemaking Authority of North Carolina Local Boards of Health - UNC Gillings School of Global Public Health](#)
- <https://www.sog.unc.edu/resources/faqs/what-are-powers-and-duties-consolidated-human-services-board>



Questions?

