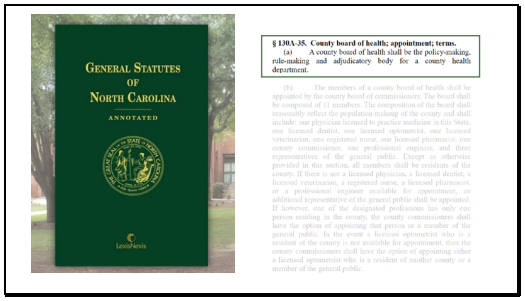
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Slide 2

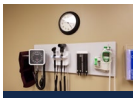


Slide 3



Slide 4

Agenda:



Section 1

Public Health Milestones, Current Challenges, and the Core Functions



Section 2

Legal Responsibilities and Authority



Section 3

Public Health Governing Structures, Board Member Roles and Effective Governance

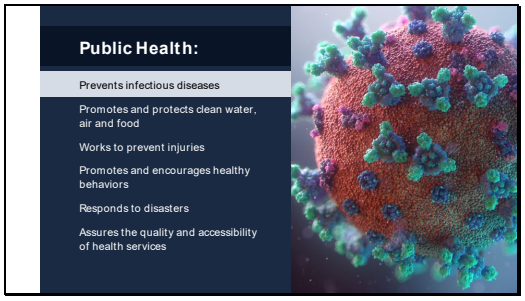
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Slide 6



Slide 7



Slide 8



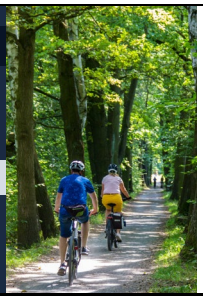
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Slide 10

Public Health:

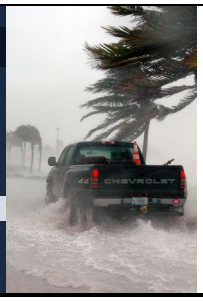
- Prevents infectious diseases
- Promotes and protects clean water, air and food
- Works to prevent injuries
- Promotes and encourages healthy behaviors
- Responds to disasters
- Assures the quality and accessibility of health services



Slide 11

Public Health:

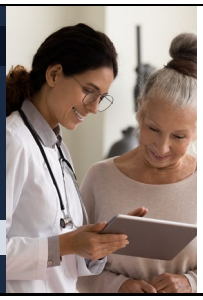
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Slide 12

Public Health:

- Prevents infectious diseases
- Promotes and protects clean water, air and food
- Works to prevent injuries
- Promotes and encourages healthy behaviors
- Responds to disasters
- Assures the quality and accessibility of health services



Slide 13

What is Public Health?

Public health is "organized community efforts aimed at the prevention of disease and promotion of health. It links many disciplines and rests upon the scientific core of epidemiology."

The Future of Public Health, Institute of Medicine, 1988.





Slide 14

What is Public Health?



Goal 1: Prevention of Disease

Addressing the risk factors for disease or injury

Ex.: Encourage sunscreen use and protective clothing to limit UV radiation exposure



Goal 2: Promotion of Health

Enabling people to increase control over, and to improve, their health

- Health education and information
- Redesign of equipment and tools
- Designing buildings and neighborhoods
- Information to policymakers and society

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10 Greatest Public Health Achievements of the 20th Century

- Vaccination
- Control of infection
- Safer workplaces
- Motor vehicle safety
- Decline in deaths from heart disease and stroke

10 Greatest Public Health Achievements of the 20th Century

- Safer and healthier foods
- Fluoridation of drinking water
- Healthier mothers and babies
- Recognition of tobacco as a health hazard
- Family planning

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Slide 18



Slide 19

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Slide 20

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Slide 21

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Slide 23



Slide 24



Slide 25

10 Greatest Public Health Achievements of the 20th Century

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- Safer and healthier foods
- Fluoridation of drinking water
- Healthier mothers and babies
- Recognition of tobacco as a health hazard
- Family planning

Slide 26

Additional Public Health Achievements



Cancer prevention



Childhood lead poisoning prevention

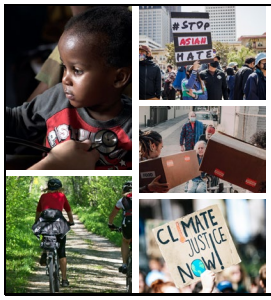


Public health preparedness and response

Slide 27



Slide 28



Current Public Health Challenges

- Integrating physical activity and healthy eating into daily lives
- Cleaning up and protecting the environment
- Reducing the toll of violence in society
- Addressing the impacts of climate change
- Centering health equity in the work of public health and considering issues of social justice
- Identifying sustainable and adequate funding to support public health agencies to build foundational capacities
- Engaging in policy change that supports the health and well-being of all persons

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Summary

- Public health main goals are to prevent disease and promote health
- Great public health achievements including mass vaccination, healthier mothers and babies and motor vehicle safety
- Continued improvements in these areas throughout the beginning of the 21st century
- Major challenges remain

Slide 30



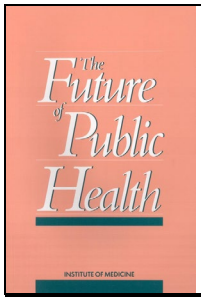
Slide 31

Big Picture of Public Health

How does the work of a governing board with oversight of public health fit into the bigger picture?



Slide 32



1988 Institute of Medicine (IOM) Report

- New governmental functions at federal, state and local levels
- Reestablish boards of health or "public health councils" to:
  - Assess public health needs
  - Develop public health policy
  - Assure that public health services are available
- Boards of health members serve as:
  - Advocates for public health
  - Brokers between policymakers and the provision of public health services

Slide 33

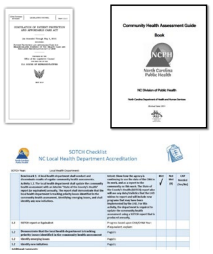
Core Functions of Public Health



Slide 34

Community Health Assessment (CHA)

- Community Health Assessment (CHA) required for health department accreditation
  - Required every 4 years
  - Can synchronize with hospital CHAs (3-year cycle)
  - Also required, annual SOTCH reports



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Boards and Assessment

Assessment makes it possible to understand:

- Main health concerns in the community
- Factors that influence health
- Assets and resources in the community
- Where to intervene to create positive change



Slide 36

Boards and Policy Making

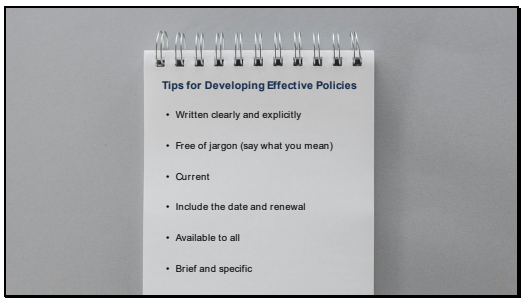
- Make operations and management policy of the LHD
- Policy is limited by state laws or county ordinances and policies
- Give advice and help health director make decisions

Examples:

- Board-approved strategic plan
- Board operating procedures



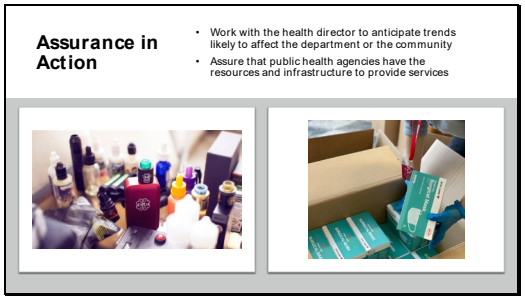
Slide 37



Slide 38



Slide 39



Slide 40

Summary

- Three core functions of public health: assessment, policy development and assurance
- 10 essential services within those core functions
- These services represent crucial aspects of your board's activities and responsibilities

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Legal Authority for Public Health

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.
N.C. General Statute (G.S.) § 130A-1.1

North Carolina law requires each county to provide public health services by operating a county health department or consolidated 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.
N.C. General Statute (G.S.) § 130A-34; 130A-45

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.
N.C. General Statute (G.S.) § 130A-2(4); 130A-35; 130A-37; 130A-43(b); 130A-45.1;153A-77

Each local health department must have a local health director who has education and experience in medicine, public health, or public administration related to health care, and who exercises legal powers and duties set out in multiple state statutes and rules.
N.C. General Statute (G.S.) § 130A-40; 130A-41; see also 153A-77(e)

Slide 43

Sources of Public Health Law in NC

- North Carolina Public Health Statutes (www.ncleg.gov)
- North Carolina Administrative Code (reports.oah.state.nc.us/ncac.asp)
- Federal law
- Other sources:
  - US and North Carolina constitutions
  - Local rules and ordinances
  - Court decisions
  - Contracts



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Local Roles and Responsibilities



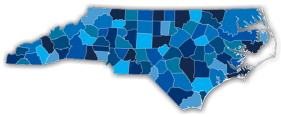
Slide 45

Local Health Departments



Slide 46

Sources of Authority Governing LHDs



- State laws:
  - Essential services
  - Mandated services
  - Accreditation
  - Public health powers, duties, and programmatic requirements
- Consolidated agreement
- Federal law



Slide 47

State Laws: "Essential" Services

- G.S. § 130A-1.1 lists the ten essential services ensured by the local health department
  - NOTE: law is tied to original essential services model



10 Essential Services Model (1994)

Slide 48

State Law: Mandated Services

State regulations require that every local health department either provide or ensure the provision of twelve mandated services

10A N.C.A.C. 46 .0201

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Mandated Services Regulations

Provide	Provide or Ensure
• Individual on-site water supply • Sanitary sewage collection, treatment, and disposal • Food, lodging and institutional sanitation • Communicable disease control • Vital records registration	• Child health • Maternal health • Family planning • Dental public health • Home health • Adult health • Public health lab support

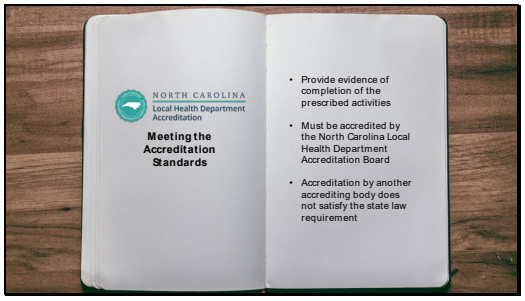
Slide 50

State Law: Accreditation

- Required under G.S. § 130A-34.1: All local health departments must obtain and maintain accreditation
- Focus on performing three core functions and delivering 10 essential services
- Achieved by:
  - Meeting a set of capacity-based standards
  - Providing evidence of completion of prescribed activities



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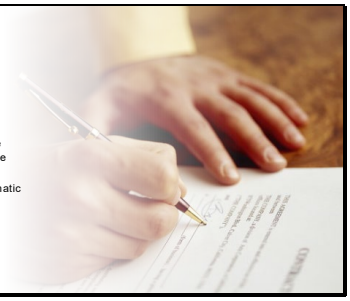
G.S. § 130A-34.4(a)

Obtaining and maintaining accreditation is a condition for receiving state and federal funds

Slide 53

Consolidated Agreement

- All local health departments enter into contracts with the state in order to receive state and federal funds.
  - Impose some programmatic and administrative requirements
  - Include some service mandates



Slide 54

Federal Law

Examples of obligations under federal law include:

- Affordable Care Act (ACA) anti-discrimination rule
- HIPAA Privacy and Security Rules
- Civil Rights Act Title VI requirement for provision of language assistance services at no cost
- Personal Responsibility & Work Opportunity Reconciliation Act Title IV requirements regarding which services must be provided to clients regardless of immigration status
- "Strings" attached to particular programs (e.g. Title X family planning grants)



Slide 55

Local Health Directors



Source: http://www.ncalhd.org/directors/

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Appointment of Local Health Director

County or District	Public Health Authority	Consolidated Human Services Agency
• Appointed by BOH • Minimum education and experience • G.S. 130A-41 and other laws	• Appointed by PHA board • Minimum education and experience • G.S. 130A-45.5 and other laws	• CHS director appointed by county manager (CM) ○ If does not meet health director qualifications, the CHS director/CM must appoint someone who does • Acquires powers and duties of a local health director but may delegate • G.S. 153A-77 plus 130A-41 and other laws

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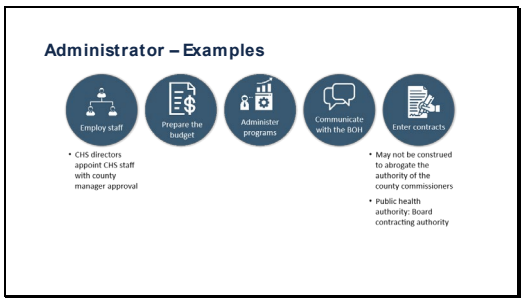
Health Director

- The health director wears many hats…
  - Administrator
  - Enforcer
  - Educator
  - Community liaison

G.S. á 130A-41



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Slide 60



Slide 61

Local Governing Board



Photo: Mecklenburg County Board of Commissioners

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Big Picture

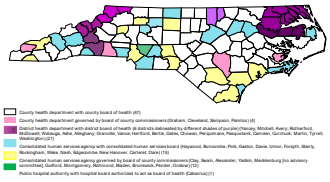
"A local board of health shall have the responsibility to protect and promote the public health."

G.S. § 130A-39



Slide 63

Types of Local Public Health Agencies & Boards
June 2021



Slide 64

Local Boards of Health

Some key provisions:

- Must be residents of the county
- Appointed/removed by commissioners
- Composition dictated by statute
- Health director serves as secretary



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Roles of Boards of Health

- **Rulemaking**
- Adjudication
- Administration



Slide 66

Rulemaking

"A [BOH] shall have the responsibility to protect and promote the public health. The board shall have the authority to adopt rules necessary for that purpose."
G.S. á 130A-39



Slide 67

What is a BOH rule?

- Prohibit citizens from doing something
- Require citizens to do something
- Enforceable in court. A person could be:
  - Charged with a criminal misdemeanor
  - Subject to an injunction ordered by a judge
  - Fined by the health director



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Rulemaking – Examples

- Some jurisdictions have local rules governing
  - Private drinking water wells
  - On-site wastewater
  - Mosquito control
  - Wearing masks in public places during a communicable disease emergency






Slide 69

Interaction with Other State Rules

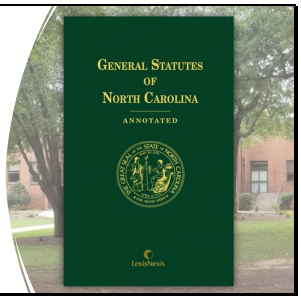
BOH rule may be more stringent than the Environmental Management Commission or Commission for Public Health rule where "a more stringent rule is required to protect the public health"

G.S. 130A-39(a)-(b)

Slide 70

Rulemaking – General Limitations

- Must be related to health
- Must be reasonable
- Must not discriminate



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Additional limitations for local BOH rules that address certain topics

Food & lodging sanitation	Private drinking water wells	On-site wastewater	Smoking
• Local rules generally not allowed	• Local rules must adopt and supplement state rules	• Local rules must adopt and supplement state rules • State must approve local rules	• Local rules may regulate smoking in specified places • Board of county commissioners must approve local rules

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Roles of Boards of Health

- Rulemaking
- **Adjudication**
- Administration



Slide 73

Adjudication

When does a local board of health act like a court?

When a person is aggrieved by the interpretation, or enforcement, of a local board of health rule or imposition of fines or appeals



Slide 74

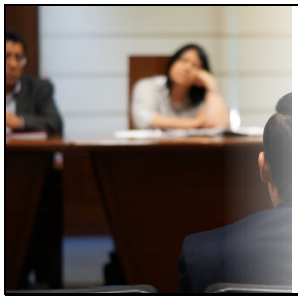
Adjudication (cont.)

The Board may be asked to hold a hearing about the enforcement of local board of health rule or imposition of fines.

(G.S. 130A-24)



Slide 75



Adjudication Role

- Acts as a "quasi-judicial" body or court
- Evaluates if legal authority exists for the decision
- Evaluates if the decision is supported by the evidence
- When holding a hearing the board must:
  - Consult with its local counsel regarding due process and procedures
  - Follow strict timelines
  - Keep a verbatim transcript
  - Issue a written decision
  - Follow the procedures described in state statute
- Board's decision may be appealed to district court

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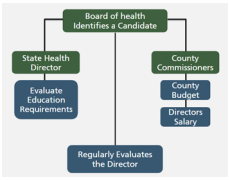
Roles of Boards of Health

- Rulemaking
- Adjudication
- ➢ **Administration**



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Administration





Slide 78

Director of a Consolidated Human Service Agency

- Hired and fired by county manager, with advice and consent of consolidated human services board
- County manager responsible for evaluating performance
- If director doesn't satisfy education and experience requirements, consolidated director must appoint a person who does
  - That appointee may be hired or fired by Consolidated Human Services director with consent of county manager
- BOCC decides whether employees of consolidated agency (including director) will be:
  - Subject to State Human Resources Act
  - OR subject solely to county personnel policies

Slide 79

Administration — Fees

A local board of health may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State …

G.S. 130A-39 (g)

Slide 80

Administration — Budget

- BOH reviews and approves the local health department's budget
- Consolidated human services board does not transmit or present the budget to the BOCC

Slide 81

Administration — Financial

Board of County Commissioners	
County Health Departments & Consolidated Human Services Agencies	District Health Departments & Public Health Authorities
Must approve the departmental budget	Not required to approve the departmental budget
	Must approve request for appropriation from the county budget

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Summary

- Legal responsibilities and authority of public health in North Carolina and the sources of public health laws
- Roles and responsibilities of local health departments, health directors and boards of health

Slide 83



Slide 84

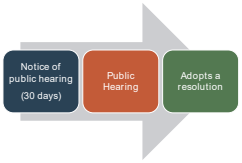
Organizing Options

Board of Commissioners (BOC) may:

1	2	3
Assume powers and duties of a Board of Health	Create a consolidated human services agency and appoint a consolidated human services board	Do both by creating a consolidated human services agency and assuming the powers and duties of the consolidated human services board

Slide 85

Assuming Powers and Duties of Boards



A Board of Commissioners may:

- Assume the powers and duties of a county board of health, or a county consolidated human services board

OR

- Assume the powers and duties of other county boards

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BOCC Authority Over Local Boards

Authority of Board of County Commissioners extends to:

- County board of health
- County board of social services
- Consolidated human services board
- Other board or commission appointed by BOC that acts pursuant to BOC authority



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Who Is NOT Included?

- MH/DD/SAS board
- Public health authority
- Public hospital authority providing public health services
- Public hospitals
- Multi-county boards:
  - District Boards of Health



Slide 88

BOCC as BOH: Powers and Duties

Role: Protect and promote the public health

Powers and duties include:

- Appoint local health director
- Make policy for local public health agency
- Adopt local public health rules
- Adjudicate disputes regarding local rules or locally imposed public health administrative penalties or fines
- Impose local public health fees; and
- Satisfy state accreditation requirements for BOHs



Slide 89

Advisory Committee on Health

When a board of county commissioners (BOCC) assumes the powers and duties of a board of health, or of a consolidated human services board that includes public health, the BOCC must appoint an advisory committee on health.



Image source: Pexels.com

Advisory committee membership **must** include:

- County commissioner
- Physician
- Dentist
- Optometrist
- Veterinarian
- Registered nurse
- Pharmacist
- Professional engineer
- Three members of general public

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Division of BOH Powers and Duties: BOCC vs. Advisory Committee

Board of Commissioners	Advisory Committee on Health

• Acquires all the legal powers and duties automatically by law
• Adopts local public health rules
• Adjudicates disputes about local rules
• Acquires additional statutory duties
	• Advise on public health matters
	• Carry out activities that may be delegated to advisory committees:
	  • Non-Delegable
	  • Delegable

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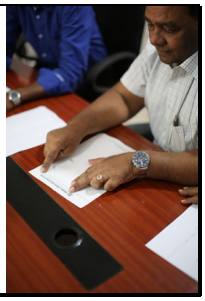
Delegable vs. Non-Delegable

Board of Commissioners	Advisory Committee on Health
Non-delegable: • Be trained • Assure development, implementation and evaluation of local services and programs • Establish public health goals and objectives • Assure resources to implement essential public health services	**Delegable:** • Review assessment data and citizen input; plan and monitor progress toward leath goals • Support public health funding and programs, and community health improvement • Advocate for public health • Promote community-based partnerships

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Important Note

- A board of county commissioners that has assumed board of health powers and duties retains the legal authority to adopt local public health rules.
- That authority may **not** be delegated to the Advisory Committee.
- The board of commissioners may ask the advisory committee to advise on rules and assist in developing and promoting rules.



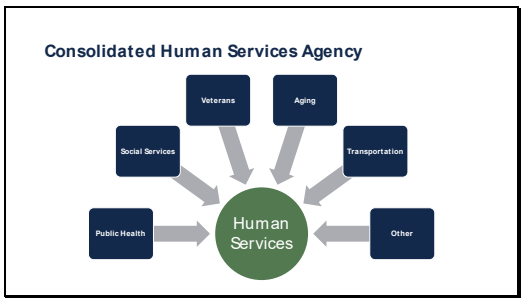
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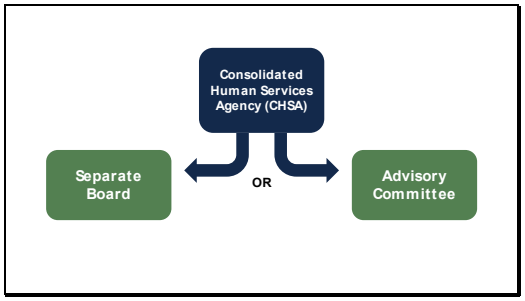
BOCC as BOH: Health Director

- Same minimum education and qualification requirements
- Must have a background in medicine, public health, or public administration related to health services

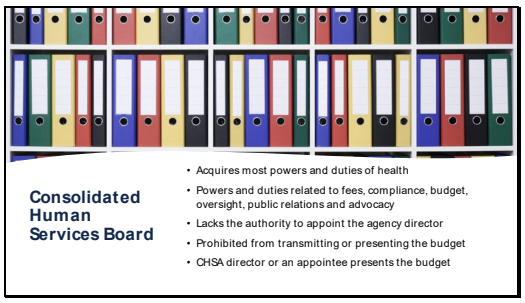
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Slide 97



CHS Board: Public Health Powers and Duties

- Make policy for local public health agency
- Ensure compliance with mandates
- Adopt local public health rules
- Adjudicate disputes
- Impose local public health fees
- Satisfy state accreditation requirements for boards of health

Slide 98

CHS Board: Social Services Powers and Duties

Advise	Consult	Monitor and Evaluate	Review	Inspect
Public officials	With director in preparing agency budget	Social service programs	Suspected cases of fraud for some public assistance programs	Confidential social services and public assistance records • Consult with local social services attorneys

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Who is on a CHS Board?

Requirements:

- 4 consumers of human services
- 8 professionals: psychologist, pharmacist, engineer, dentist, optometrist, veterinarian, social worker, registered nurse.
- 2 physicians licensed to practice medicine in NC (one must be a psychiatrist)
- Up to 10 representatives of the general public representing various occupations

- 2 consecutive 4-year terms



Slide 100

Compare and Contrast

CHS Board	County Board of Health
• Up to 25 members • All appointed by BOCC • Composition requirements for some positions • Two consecutive 4-year terms	• 11 members • All appointed by BOCC • Composition requirements for most positions • Three consecutive 3-year terms

Slide 101

BOCC as CHS Board

- Same roles and responsibilities of a BOCC acting as a CHS as appointed CHS Board
- Required to have an advisory committee
  - Same membership as a county board of health
  - Additional members to represent social services or other agencies or departments included in the county's CHSA

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CHSA: Director

Education and Experience

- No minimum education and experience requirements
- Must be able to run a local agency that carries out numerous state and federal programs
- Most have background in county administration, social services, or public health

Appointments

- Appointed and supervised by county manager with "advice and consent of the human services board"
- Must appoint a person who has qualifications required by law to be local health director

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CHSA: Director (cont.)

Powers and Duties

- Automatically acquires the legal powers and duties of a local health director
- May delegate health director powers and duties to appointee

Authority

- Document CHS director's delegation of local health director authority
- In public health emergency, important actions may be delayed if it is unclear who is exercising the authority or authority has not been delegated

Slide 104



Slide 105

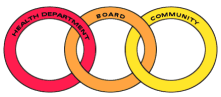
Guidelines for Board Members

- Educate yourself about:
  - Your community and its public health status
  - History, goals, achievements and current situation of BOH and health department
- Attend Meetings:
  - Attend board meetings
  - Review all meeting materials
  - Carry out assigned work between meetings
  - Participate in open, constructive dialogue

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Guidelines for Board Members

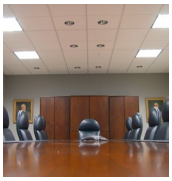
- Represent public health
  - Represent public health to the community
  - Speak for the board when delegated
- Work to link the community to the health department
- Act as an advocate for public health by maintaining active involvement



Slide 107

Chair Roles and Responsibilities

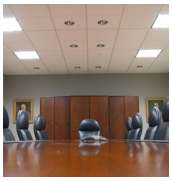
- Leader of the board
- Runs board meetings
- Speaks for and represents the board
- Promotes teamwork
- Addresses performance issues
- Recommends removal to county commissioners



Slide 108

Chair Roles and Responsibilities (con't)

- Initiates strategic planning
- Initiates annual evaluation of the health director
- Works with the health director to set the meeting agenda
- Counsels and consults with the health director



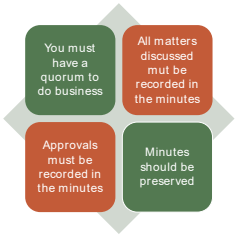
Slide 109

Board Member Removal

- Commission of a felony or other crime involving moral turpitude
- Violation of a state law governing conflict of interest
- Violation of a written policy adopted by the county board of commissioners
- Habitual failure to attend meetings
- Conduct that tends to bring the office into disrepute; or
- Failure to maintain the required qualifications for appointment

Slide 110

Guidelines for Board Meetings and Activities



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Guidelines for Board Meetings and Activities (cont.)

- NC Open Meetings law: notice of all meetings must be given to the public
- Maintain manual and operating procedures
- Divide committees or subcommittees when appropriate including members from outside the board

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Overall Role of Board

- Rule-making, adjudication and policy-making
- Leave day-to-day operation of health department to the health director
- Develop and support policies designed to promote and protect the public's health



Slide 113

The Board's Number One Goal:

Support the health department in achieving its goals.



Slide 114

Summary

- Board members should:
  - Educate themselves
  - Be involved in board meetings
  - Seek to link community to health department
  - Represent public health, speak for board when delegated
- Meetings must follow specific guidelines
- The Chair has a specific role
- Board's overall roles are rule-making, adjudication and policy-making
- Board's #1 goal is to support local health department in achieving its public health goals

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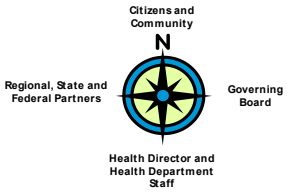
Governing Challenges

1. Vague task definitions
2. No hierarchy
3. Little feedback
4. Open meetings



Slide 117

Partnership Compass



Slide 118

Governing Well

- Clearly define roles and relationships
- Operate in a culture of values and ethics
- Work as a team
- Think and act strategically
- Focus on policy priorities
- Master small-group decision making
- Develop and follow protocols for board behavior and board-staff relations
- Allocate time and energy appropriately

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Governing Well (Cont.)

- Set clear rules and procedures for meetings
- Understand intergovernmental systems and build productive partnerships
- Provide oversight
- Establish and follow protocols
- Seek out and respond to feedback
- Model personal learning and development as leaders

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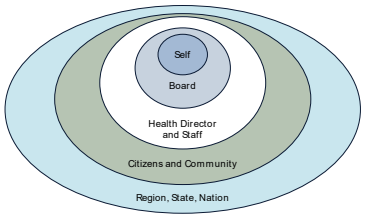
The Governing Board as a Team

- Commit to work together
- Open communication
- Respect one another
- A sense of shared work
- Motivated to get things done
- Willing to listen and understand different points of view
- Disagree without being disagreeable



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Levels of Board Accountability



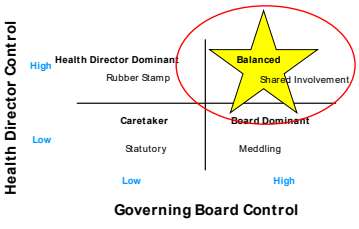
Slide 122

Six Expectations for Effective Board-Health Director Relations

1. The board as a body sets direction.
2. The board respects the role of the health director as chief administrator for the health department and allows them to demonstrate competency in their role.
3. The board and the health director jointly strive for good service to their community.
4. The board is responsible for board members' behaviors.
5. The board freely gives and seeks feedback.
6. The board works with the health director to be a high performing governing body.

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Board-Health Director Relations



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Summary

- It is an honor to serve on a governing board for public health.
- Serving as a governing board for public health is a weighty responsibility.
- Strive for partnership between the board and the director.
- Providing good service to your community is the ultimate goal.