# Adoption or Amendment of Rules to Protect and Promote Public Health Policy

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1. **Purpose**
   The purpose of this policy is to define how the Buncombe County Health and Human Services (BCHHS) Board will fulfill its public health statutory authority as defined in North Carolina General Statute (N.C.G.S.) §130A-39 when adopting and/or amending rules that may be necessary to protect and promote public health.

2. **Applicability**
   This policy applies to the BC HHS Board and its appointed members with direct or delegated/designated responsibility for the necessity of protecting and promoting public health.

3. **Policy**
   This policy ensures that the BC HHS Board shall follow N.C.G.S §130A-39 guidelines when adopting proposed local rules or ordinances to protect and promote the health of the public.

4. **Policy Non-Compliance**
   BC HHS Board members willfully violating the terms and conditions of this policy may be asked to resign from their board position. If the board member chooses not to resign, the BCHHS Board may vote to remove the member.

5. **Audit**
   All policies for Buncombe County may be subject to audit or review as outlined in the Internal Auditor's Statement.

   All policies for BC HHS-DH are subject to review by the State Accreditation team during each accreditation cycle visit.

6. **Definitions**
   6.1. **Buncombe County Health and Human Services - Department of Health (BC HHS-DH)**: A consolidated human services agency created pursuant to N.C.G.S. § 153A-77 that has the responsibility to carry out the duties of a local health department and the authority to administer the local public health programs established in Chapter 130A in the same manner as a local health department.
   6.2. **Buncombe County Health and Human Services Board (BCHHS Board):** The consolidated human services board that has all the powers and duties of a local board of health as provided by N.C.G.S § 130A-39.

7. **Approval and Revision History**

| | | |
|---|---|---|
| Policy Origination Date: | April 28, 2017 | |
| Requires Board Approval: | ☒Yes ☐No | |
| Board Approval Date: | Month/DD/YYYY | |
| Chair, HHS Board | *Signature Area* | |
| Health Director | Ellis Matheson | |
| | | |
| Revision History: | | |
| 05/2025 | • Legal authority added | • 8. |
| 09/2023 | • Renumbered to 2001.06; previously 1001.96 and 1000.96.<br>• Reformatted<br>• Updated to new template.<br>• Procedures removed from policy and listed in separate document | • Entire document |
| 08/2021 | • Removed outdated link | • 7.3 |
| 09/2019 | • Renumbered policy to 1001.96 | • Policy # |
| 03/2018 | • Removed Medical Director Signature | • document |

8. **Background/Legal Authority**
   8.1. 10A N.C.A.C. 48B .0302 Benchmark 5
   8.2. 10A N.C.A.C. 48B .0601 Benchmark 14
   8.3. 10A N.C.A.C. 48B .1301 Benchmark 34
   8.4. North Carolina Local Health Department Accreditation Activities 5.2, 14.3, 14.4, 34.3, and 34.4 as outlined in current version of *Health Department Self-Assessment Instrument (HDSAI) Interpretation Document*
   8.5. N.C.G.S. §130A – 34.1, Accreditation of local health departments
   8.6. N.C.G.S. §130A – 39, Powers and duties of a local board of health
   8.7. N.C.G.S. §130A – 41, Powers and duties of local health director
   8.8. N.C.G.S. §130A – 43, Consolidated human services agency; board; director