Observing Public Health Laws, Rules, Ordinances and Regulations Policy

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1. **Purpose**
   The purpose of this policy is to ensure that the Buncombe County Health and Human Services - Department of Health (BCHHS-DH) workforce and Buncombe County Health and Human Services (BCHHS) Board members are aware that public health programs and services are governed by federal, state, and local laws, rules, ordinances, and regulations, which must be utilized when carrying out their work duties.

2. **Applicability**
   This policy applies to the BCHHS-DH workforce and appointed board members with direct or delegated/designated responsibility for enforcing these laws, rules, ordinances, and regulations.

3. **Policy**
   The policy is to ensure that the BCHHS-DH workforce consults and follows federal, state, and local laws, rules, ordinances, and regulations, incorporating current recommendations of regulatory and advisory agencies in the delivery of essential and mandated public health services. Program policies will address the specific enforcement activities associated with laws, rules, and ordinances.

4. **Policy Non-Compliance**
   BCHHS-DH workforce willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

   BCHHS 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. **Board of Health Rule**: Rules adopted by the Health and Human Services (HHS) Board, acting as a Board of Health, to ensure the health and safety of county residents and visitors.

6.2. **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.

6.3. **Buncombe County Health and Human Services Board:** A consolidated local county board that carries out the responsibilities and duties of a local board of health except as noted in N.C.G.S. § 130A-43.

6.4. **Essential public health services:** Those services that NC government shall ensure because they are essential to promoting and contributing to the highest level of health possible for the residents of North Carolina.

6.5. **Mandated public health services:** The public health services that NC government requires a local public health department to implement.

6.6. **NC DHHS - North Carolina Department of Health and Human Services:** A department of state government that manages the delivery of health and health-related services for all North Carolinians; the Division of Public Health is a component of NC DHHS.

6.7. **Ordinance:** Local rules adopted by the Board of County Commissioners. Buncombe County ordinances can be found on the Buncombe County website.

6.8. **Regulatory and advisory agencies**: Agencies that are created by a governing body to recommend best practices for public health or are charged with interpreting and enforcing public health law.

6.9. **Workforce**: Employees, volunteers, contract staff, and other persons whose conduct, in the performance of work for Buncombe County, is managed by Buncombe County. The County's management of these persons may include training and development, direction of work activities, provision of resources, and policy oversight.

7. Approval and Revision History

Policy Origination Date:	January 16, 2004	
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 • Definitions updated • Appendix 1 name changed to JOB AID – Public Health Services	• 8. • 6. • Job Aid
09/2023	• Renumbered to 2001.04; previously 1001.56 and 1000.56 • Reformatted • Updated to new template • Procedures removed from policy and listed in separate document • Changed regulating to regulatory	• Entire document • 6.12
05/2021	• Updated Workforce definition • Clarified Board policy role • Updated hyperlinks • Updated Appendix with most current references and added hyperlinks	• 4.12 • 6.1 • 7.0 Appendix 1
09/2019	• Renumbered policy to 1001.56 to indicate this is a Board signed policy per 1001.01 • Modified title to include Rules and Ordinances • Revised purpose to remove redundant language • Clarified policy description • Updated definitions of agencies and moved hyperlinks to 7.0 • Included updated definition of workforce • Clarified responsibilities • Changed procedures to reflect current process and moved hyperlinks to 7.0 • Inserted revised Appendix 1 that provides reference to current laws governing Public Health services available at BCHHS-DH	• 1.0 • Title • 2.0 • 3.0 • 4.0 • 4.0 • 5.0 • 6.0 • 7.0
03/2018	• Removed Medical Director's signature line. • Replaced links to NCDHHS; Federal Register; for US CFR; NCAC • Added language to include HHS Attorney • Added language “but are not limited to”	• Heading • 4.2, 4.5, 4.7 • 5.3 • 6.3
02/2017	• Changed agency name to Buncombe County Health and Human Services Department of Health (BCHHS-DH) • Transferred policy to new template • Added Board of Health Rule definition	• Throughout • Entire document • 4.10
08/2015	• Added Medical Director signature • Added Medical Director	• Approval by/Date • 5.1,5.3
07/2014	• Updated BOH signature to Board of Health and Human Services • Deleted Human Services Support Team and updated to Health and Human Services Human Resources	• Approval by/Date • 6.3
12/2012	• Added last section of policy statement	• 2.0
03/2012	• Agency name change • Added BOH signature • Updated websites and references • Added NC Accreditation reference • Added instructions to use most current version	• Throughout • Approval by/Date • Throughout • 6.7 • Appendix 1
12/2007	• The words "including contract personnel" removed from definition of workforce	• 4.11

	• Expanded non-discrimination definition	• 6.5
01/2006	• Title changed to "Laws and Regulations Utilized to Support Public Health Activities	• Title

8. **Background/Legal Authority**
   8.1. U.S. Centers for Disease Control and Prevention (CDC) – https://www.cdc.gov
   8.2. North Carolina Department of Health and Human Services (NCDHHS), Division of Public Health policies: https://www.ncdhhs.gov/divisions/public-health
   8.3. Federal Register: The Daily Journal of the United States Government: https://www.federalregister.gov/
   8.4. Code of Federal Regulations (eCFR): A Point in Time eCFR System: https://www.ecfr.gov/
   8.5. Federal laws addressing non-discrimination, worker safety, and health information:
      8.5.1. U.S. Equal Opportunity Employment Commission Laws, Regulations, Guidance and Memoranda of Understanding (MOU): https://www.eeoc.gov/
      8.5.2. Title VI – 42 U.S. Section 2000d – 2000d-7.
      8.5.3. Title VII – 42 U.S. Section 2000e.
      8.5.4. Title II of the Americans with Disabilities Act of 1990
      8.5.5. The Equal Pay Act of 1963
      8.5.6. Sections 501 and 505 of the Rehabilitation Act of 1973
      8.5.7. Title IX of the Education Amendments of 1972
      8.5.8. Title II of the Genetic Information Non-discrimination Act of 2008
      8.5.9. The Age Discrimination Act of 1967
      8.5.10. All provisions required by the implementing regulations of the Department of Agriculture, Department of Justice Enforcement Guidelines, 7 CFR Part 15 and FNS Directives and Guidelines.
      8.5.11. HIPAA Privacy Rule 45 CFR 160, 162, and 164
      8.5.12. Family Planning confidentiality: 42 CFR 59,11
      8.5.13. Mental Health and Substance Abuse confidentiality: 42 CFR Part 2
      8.5.14. Occupational Health and Safety, 29 Culturally and Linguistically Appropriate Services Standard (CLAS): https://thinkculturalhealth.hhs.gov/
      8.5.15. N.C. state laws and rules governing Public Health Services:
         - NC Administrative Code (NCAC): http://reports.oah.state.nc.us/ncac.asp
         - NC General Statutes (NCGS): https://www.ncleg.gov/Laws/GeneralStatutesTOC
      8.5.16. Buncombe County Public Health Ordinances: https://library.municode.com/nc/buncombe_county/codes/code_of_ordinances
      8.5.17. BCHHS – DH Administrative Policies pertaining to laws, rules, ordinances, and regulations.
      8.5.18. Job Aid – Observing Public Health Law – Legal Authority references for Public Health Services provided by BCHHS.