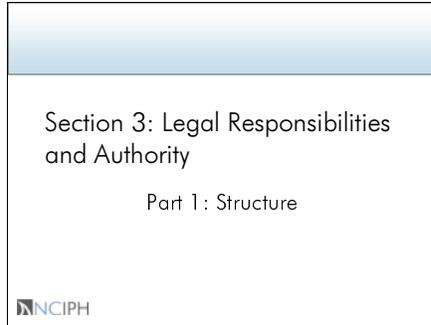


Slide 1

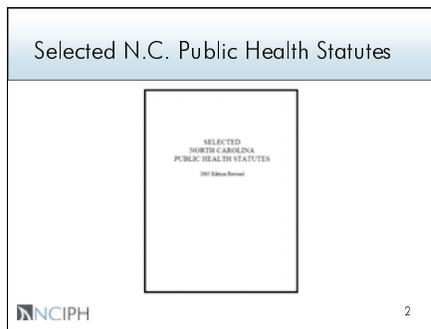


Section 3: Legal Responsibilities and Authority, Part 1: Structure

Section 3 is divided into two parts. In Part 1, we will focus on the sources of public health law in our state and the five ways local public health systems can be structured.

In Part 2, we will examine the roles and responsibilities of local health departments, health directors and boards of health as defined by public health law and the types of public health services that public health systems are required to provide.

Slide 2



Included in the packet of materials for this module is the booklet, “Selected North Carolina Public Health Statutes”. We will be referring to this booklet throughout the presentation to help you become familiar with the organization and contents of the statutes, so you will need to have it handy.

The booklet contains the sections of the North Carolina General Statutes that regulate our state’s public health system. It was compiled by the North Carolina Institute of Public Health—with guidance from the UNC Institute of Government—to provide you with the public-health related statutes that are most useful to board members.

Slide 3

Principal Source of Public Health Law
<ul style="list-style-type: none"><li>• N.C. Public Health Statutes<ul style="list-style-type: none"><li>– Establish the public health system in N.C.<ul style="list-style-type: none"><li>• Shared responsibility between the State and counties</li></ul></li><li>– Bestow powers and duties</li><li>– Set limits on the exercise of powers</li></ul></li></ul>

NCIPH 3

Generated by the North Carolina General Assembly, the public health statutes are the principal source of law determining the responsibilities of North Carolina boards of health.

Basically, these statutes establish the public health system in North Carolina, which is a shared responsibility between the State and the counties. The statutes bestow powers and duties on the different parts of the system and set limits on the exercise of those powers.

Slide 4

Other Sources of Public Health Law
<ul style="list-style-type: none"><li>• N.C. Administrative Code (NCAC)</li><li>• Federal law</li><li>• U.S. and North Carolina Constitutions</li><li>• Court decisions</li><li>• Consolidated Agreement</li><li>• Rules and ordinances</li></ul>

NCIPH 4

Before going into detail about the North Carolina public health statutes, let's briefly review other sources of public health law in North Carolina.

- The N.C. Administrative Code (NCAC) is a source of public health law. Most public health rules are found in Title 10A, Chapters 39 through 47 of the N.C. Administrative Code. The Commission for Health Services, sometimes referred to as the State Board of Health, is an appointed body that adopts rules protecting public health. The Environmental Management Commission is appointed by the governor to protect, preserve and enhance the state's water and air resources. These two rulemaking bodies prepare the regulations that are in the N.C. Administrative Code.
- An example of Federal law that has an impact on public health is the U.S. Code of Federal Regulations, where the HIPAA regulations are found. HIPAA

is a federal law that created national standards to protect individuals' medical records and other personal health information.

- The U.S. and North Carolina Constitutions are another source of law.
- Court decisions can also determine public health law.
- The Consolidated Agreement is an agreement between the counties and the Division of Public Health and the Division of Environmental Health. This agreement governs the use of funds disseminated by or through the State.
- Two other sources of public health law are the local public health rules generated by local boards of health like yours and ordinances which are adopted by your board of county commissioners. These are two different sources of law and both are delegated authority by the State.

## Slide 5

Public Health Services in N.C.

- Responsibility shared by the State and county governments

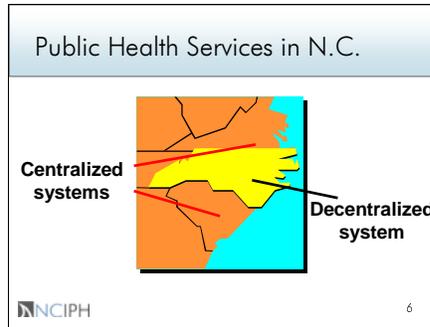


NCIPH 5

As noted earlier, the responsibility for providing public health services in North Carolina is shared by the State and county governments.

Throughout the presentations in this section and the next, you will often hear the term “local” used. For example, you will hear references to the “local” board of health or “local” health department. When the word “local” is used, it will be used to describe something at the county or district level, as opposed to something at the state, regional or federal level.

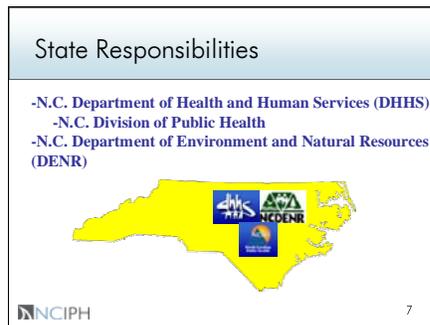
Slide 6



Unlike North Carolina, our neighbors, Virginia and South Carolina, have centralized public health systems. This means that all of their local health department employees are state, rather than county employees. In North Carolina, local health department employees are county employees. They work in concert with, but not for, the State.

When environmental health specialists perform regulatory duties within State mandated programs, they are acting as agents of the State. While they are employed by the county, district or public health authority, they are still required to report State mandated activities to the State.

Slide 7



Before we go into details about the structure of the public health system at the local level, let's focus on responsibilities at the state level.

The North Carolina Departments of Health and Human Services and Environment and Natural Resources serve four main functions. They:

- Administer statewide public health programs
- Provide technical assistance and training to local health agencies
- Monitor local enforcement of public health laws and rules and
- Allocate federal and state money for public health programs, such as WIC, family planning, tuberculosis, HIV, and preparedness and response. These funds must first come to the state and then they are sent to local health departments.

Slide 8

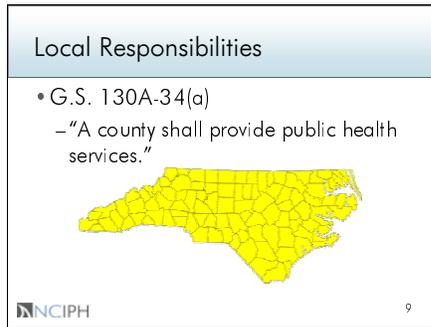


North Carolina law does not contain a formal regional structure for public health services. However, in practice, there are several regional entities that carry out either state or local public health responsibilities.

The state public health agencies hire employees who are assigned to serve local health departments in designated regions.

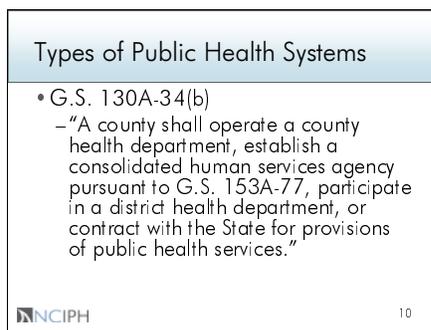
Also, there are seven Public Health Regional Surveillance Teams (known as PHRST teams)—one for each of seven designated areas in the state, as shown on this map. Each team is based in a local health department but serves all the departments within the designated region.

Slide 9



Now moving from the state and regional to the local level, let's turn in your booklet to General Statute 130A-34 (a), which specifies that, "A county shall provide public health services."

Slide 10



G.S. 130A-34 (b) goes on to describe four ways in which counties may elect to provide public health services:

- By operating a single county health department governed by a county board of health
- By establishing a consolidated human services agency governed by a consolidated human services agency board or board of county commissioners
- By participating in a district health department governed by a

- multi-county board of health
- By contracting with the State to provide public health services within the county

Slide 11

**Types of Public Health Systems**

- G.S. 130A-45
  - Public health authorities



11

G.S. 130A-45 describes a fifth way that a county can elect to provide public health services: By participating in a public health authority, governed by a public health authority board

Slide 12

**Contents**

- G.S. 130A-34-42
  - Single county and district health departments




12

Now that you are aware of the various sources of public health law, let's focus on the North Carolina public health statutes.

Your booklet contains general statutes regulating each of these types of local health systems. To help you easily find the statutes relating to your type of local health system, let's review the table of contents.

The sections at the bottom of page 2 and the top of page 3 contain the statutes related to single county and district health departments.

Slide 13

**Contents**

- G.S. 130A-43
- G.S. 153A-77
  - Consolidated human services agencies

NCIPH 13

Near the top of page 3, under the section referring to single county and district health departments, you'll see the general statutes governing consolidated human services agencies.

At the bottom of page 3, there is another statute, G.S. 153A-77 that also contains information about the authority of boards of commissioners in regard to consolidated human services agencies.

Slide 14

**Contents**

- G.S. 130A-34(b)
  - Contract with the State

NCIPH 14

G.S. 130A-34(b), which appears at the bottom of page 2, authorizes counties to contract with the State for public health services as an alternative to establishing a county or district agency, a consolidated human services agency or a public health authority. It does not set the terms of the contract or otherwise provide for its governance.

Slide 15

**Contents**

- G.S. 130A-45-45.12
  - Public health authorities

NCIPH 15

Around the middle of page 3 are the general statutes governing public health authorities.

Next, let's look in more detail at each of the five ways in which a county can provide public health services.

Slide 16

**Single County Health Department**

- G.S. 130A-35 and 130A-39 through 41
  - Legally required to provide public health services within county
  - Majority of local health systems in N.C. are single county health departments

NCIPH 16

In North Carolina, the majority of local public health systems are single county health departments.

G.S. 130A-35 and G.S. 130A-39 through 41 in your booklet contains the statutes relating to county health departments.

Slide 17

District Health Department
<ul style="list-style-type: none"><li>• G.S. 130A-36-38 and 130A-42<ul style="list-style-type: none"><li>- Consists of two or more counties</li><li>- Counties join together to:<ul style="list-style-type: none"><li>• Pool resources</li><li>• Better assure provision of public health services</li></ul></li></ul></li></ul>
 17

A district health department is another type of local health system that provides public health services.

A district health department consists of two or more counties. Usually counties choose to join together to form a district as a way to pool resources and better assure the provision of public health services. In North Carolina, we have districts which range in size from two to seven counties.

An example of a district health department in North Carolina is the Appalachian District Health Department which serves the counties of Ashe, Allegheny and Watauga.

For more information about the statutes relating to district health departments, refer in your booklet to G.S. 130A-36 through 38 and G.S. 130A-42.

Slide 18

Consolidated Human Services Agency
<ul style="list-style-type: none"><li>• G.S. 153A-77<ul style="list-style-type: none"><li>- Counties with populations greater than 425,000</li><li>- Combines public health, mental health, developmental disabilities, and substance abuse services</li></ul></li></ul>
 18

North Carolina counties with populations greater than 425,000 have additional ways they may elect to offer public health services. They may form a consolidated human services agency which combines public health, mental health, social services, developmental disabilities and substance abuse services. Wake County is organized as a consolidated human services agency.

This type of agency can be governed by either a Consolidated Human Services Board or the board of county commissioners.

Turn to G.S. 153A-77 for more

Slide 19

Contract with the State
<ul style="list-style-type: none"><li>• G.S. 130A-34(b)<ul style="list-style-type: none"><li>- Arrange with State to furnish public health services within county</li><li>- No county in N.C. has this arrangement</li></ul></li></ul>
 19

information about the regulations for consolidated human services agency.

The fourth option for providing public health services in North Carolina is through a contract with the State.

G.S. 130A-34(b) explains that a county may meet its legal duty to provide public health services by arranging for the State to furnish public health services within the county. However, no county in North Carolina has this type of arrangement.

Slide 20

Public Health Authority
<ul style="list-style-type: none"><li>• G.S. 130A-45<ul style="list-style-type: none"><li>- May include more than one county</li><li>- Requires a board and a director<ul style="list-style-type: none"><li>• Composition and number of board members is different</li><li>• Roles and responsibilities are same</li></ul></li></ul></li></ul>
 20

The final option for providing public health services is called a public health authority.

Similar to a district health department, a public health authority may include more than one county and require a board and a director. The structure for public health authorities is found in your booklet in G.S. 130A-45.

The composition and number of board members for a public health authority differs from that of a single county or district board of health. The composition of the board includes: a physician and a dentist licensed to practice in North Carolina; at least one county commissioner or the commissioner's express designee from each county in the authority; at least two licensed or registered professionals from any of the following professions: optometry, veterinary science, nursing, pharmacy, engineering or

Slide 21

Public Health Authority	
<ul style="list-style-type: none"><li>• G.S. 130A-45.3<ul style="list-style-type: none"><li>– Additional powers<ul style="list-style-type: none"><li>• Contracts, management, administration</li><li>• Acquisition and use of property</li><li>• Establishment and operation of health care networks and managed care activities</li></ul></li></ul></li></ul>	21

accounting; at least one member from the administrative staff of a hospital serving the authority service area; and at least one member from the general public.

One big difference between a county or district board of health and a public health authority board is that the public health authority board has all of the powers and duties of a county or district board of health plus additional powers.

The additional powers that a public health authority has relate to:

- Contracts, management and administration
- Public Health Authorities are specifically exempt from the State Personnel Act.
- Acquisition and use of property
- Establishment and operation of health care networks and managed care activities

Slide 22

Public Health Authority	
<ul style="list-style-type: none"><li>• G.S. 130A-45.3<ul style="list-style-type: none"><li>– Additional powers<ul style="list-style-type: none"><li>• Employment of legal counsel</li><li>• Ability to sue and be sued</li><li>• Ability to insure property, agents, board members or employees against liability</li></ul></li></ul></li></ul>	22

Employment of legal counsel  
Ability to sue and be sued; and  
Ability to insure its property, agents, board members or employees against liability

To learn more about these additional powers, turn to G.S. 130A-45.3 in your booklet.

Slide 23

Discussion Questions	
<ol style="list-style-type: none"><li>1. What type of local public health system do you have?</li><li>2. Has it ever been organized any other way before? If so, why was it changed?</li></ol>	23

Discussion Questions:

1. What type of local public health system do you have?
2. Has it ever been organized any other way before? If so, why was it changed?

## Slide 24

Summary
<ul style="list-style-type: none"><li>• N.C. General Statutes<ul style="list-style-type: none"><li>–Principal source of authority</li></ul></li><li>• Provision of public health services<ul style="list-style-type: none"><li>–A joint responsibility between State and counties</li></ul></li><li>• Five types of local public health systems</li></ul>
 <span style="float: right;">24</span>

The N.C. General Statutes are the principal source of authority that charges local boards of health with broad responsibility for local public health.

The provision of public health services is a joint responsibility between the State and the counties.

There are five possible types of public health systems that a county can choose to provide public health services.

You should now be familiar with the general statutes that determine the way public health is organized in North Carolina and the five types of local public health systems. You should also be able to refer to the sections in the booklet that regulate your type of local public health system.

In Part 2, we'll look at the roles and responsibilities of the health department, health director and board of health and the different types of public health services that public health systems are required to provide.