

# **Colorado Public Health Reauthorization Act**

## **SB 08-194**

### **Implementation Guide**

With the passage of Senate Bill 08-194, the Colorado Public Health Reauthorization Act (the Act), effective July 1, 2008, state and local public health agencies are charged with establishing state and local public health plans that set priorities for the public health system in Colorado. This document outlines elements of the comprehensive statewide public health plan, as well as the respective powers and duties for the following:

- State Board of Health,
- Colorado Department of Public Health and Environment (CDPHE),
- County Commissioners
- Local Public Health Agencies
- Local Public Health Directors
- Local Boards of Health

#### **Key Principles of Implementation**

Several key principles are emphasized throughout the Act and strictly direct its implementation.

- **Assuring the Provision of Basic Services**—The main purpose of the Act is to assure that core public health services are available to every person in Colorado with a consistent standard of quality.
- **State and Local Collaboration**—The Act calls for the above parties to collaborate in the development of core services, performance standards, minimal qualifications of the public health director, and a statewide public health improvement plan. Partners will have the opportunity to participate through many venues to guide the development of practical policies that will improve public health delivery. Those venues can include work groups, forums, focus groups and surveys.
- **Financial Feasibility**—The scope of improvement that will be detailed in the statewide plan will be limited by the amount of available state and local funds, and the level of additional support that might be committed by state and local governments and other partners.
- **Functional Regionalization**—It may not be practical for a local health agency in some areas of Colorado to provide every public health service directly. Neighboring public health agencies may opt to share resources to assure that core services that cannot be feasibly provided by the local agency are accessible to Coloradoans regionally.

## **Elements of the Statewide Public Health Improvement Plan**

- A) The Statewide Public Health Improvement Plan, which shall address public health planning for a five-year timeframe, is intended to accomplish all of the following:
- Set public health priorities
  - Guide the public health system in targeting core public health services and functions through program development implementation and evaluation
  - Increase the efficiency and effectiveness of the public health system
  - Identify areas needing greater resource allocation to provide essential public health services
  - Incorporate goals and priorities of public health plans developed by county or district public health agencies
  - Consider available resources, including but not limited to state and local funding, and be subject to modification based on actual subsequent allocations
- B) To meet the intent of the Act, the Plan must, at minimum:
- Declare the goals of the plan
  - Identify specific recommendations for meeting these goals
  - Address core public health services and standards for local public health agencies
  - Recommend legislative or regulatory action
  - Identify and quantify existing public health problems, disparities or threats at the state and county levels
  - Identify existing public health resources at the state and local levels
  - Address development of public and environmental health infrastructure that supports core public health functions and essential public health services at the state and local levels
  - Explain the prioritization of one or more conditions of public health importance
  - Detail the strategies to develop and promote culturally and linguistically appropriate services
  - Discuss the development, evaluation and maintenance of, and improvements to, an information infrastructure that supports essential public health services
  - Detail the programs and activities that will be pursued to address existing public and environmental health problems, disparities or threats
  - Detail how public health services will be integrated and public health resources shared to optimize efficiency and effectiveness of the public health system
  - Detail how the plan will support county or district public health agencies in achieving the goals of their county or district public health plans
  - Estimate the costs of implementing the plan
  - Provide a timeline for implementing various elements of the plan
  - Provide a strategy for coordinating services delivery within the public health system
  - Provide measurable indicators of effectiveness and successes

## **State Board of Health Powers and Duties**

- A) Establish by rule:
- Core public health services that local public health agencies must provide
  - Minimum quality standards for public health services
  - Minimum qualifications for local public health directors and medical officers
  - By **July 1, 2009**, if practicable, a formula for allocating appropriated state funds to local public health agencies based on input from the CDPHE and from local public health agencies
  - Criteria by which local plans shall be evaluated, taking into account the populations served by each agency, the additional costs involved in operating small or rural agencies, and the scope of services provided by each agency
- B) Ensure the development and implementation of a comprehensive, statewide public health improvement plan
- C) Review all county and district public health agency public health plans

## **CDPHE Powers and Duties**

- A) Develop a Statewide Public Health Improvement Plan by December 31, 2009 and every five years thereafter
- B) Make the plan available to the Governor, the General Assembly, the State Board of Health, local public health agencies and other partners
- C) Allocate any moneys that the state general assembly may appropriate for distribution to local public health agencies for the provision of local health services, in accord with the state board of health approved funding formula (that is due July 1, 2009)
- D) Provide technical assistance to local public health agencies requesting assistance with generating their local plans
- E) Abate local public health nuisances with all the powers given to a local board of health when notified by a local board of health that it is unable to act
- F) Reallocate state moneys from an agency that is not able to provide core public health services or standards to another entity to deliver services in that agency's jurisdiction
- G) Solicit and accept gifts, grants and donations to support the implementation of the Act

## County Government Powers and Duties

### A) Boards and County Commissioners

- Establish by resolution a county public health agency or participate in a district public health agency by **July 1, 2009**
- Any newly created public health agency shall appoint a new local board of health within **90 days**. Such boards shall adhere to the following:
  - Consist of at least five commissioner-appointed members so that no business or professional group, or governmental entity shall constitute a majority of the board
  - Counties of less than 100,000 people can have a three-member board —and the county commissioners may serve as the board of health or as a member of that board
  - Home-rule counties will abide by their charters in respect to the establishment of a local board of health
  - Jurisdiction shall include the county or counties within a district and all municipalities therein unless a municipal public health agency is established
- Determine the services to carry out the public health laws and rules of the state board of health and CDPHE environmental commissions according to the specific needs and resources available within the community and as set out in the state and local plans
- Provide any moneys necessary – over estimated moneys from surpluses, grants and donations – to cover the total cost of maintaining the agency for the ensuing year by an appropriation from the county general fund

### B) County Treasurer

- Serve as the treasurer of the local public health agency (the county treasurer of the largest county in a district shall serve in this capacity)
- Establish a local public health agency fund to which shall be credited:
  - Any moneys appropriated from a county general fund
  - Any moneys received from state or federal appropriations or any other gifts, grants, donations or fees for local public health purposes
- Assure that moneys from the fund shall be expended only for purposes of Part 5 and claims or demands against the fund must be certified by the local public health director and the local board of health

## Local Public Health Agency Powers and Duties

- A) Prepare a county or district public health plan **consistent with the statewide improvement plan**, to be completed every five years after the statewide plan, that does the following:
- Examines data about health status and risk factors in the local community
  - Assesses the capacity and performance of the local public health system
  - Identifies goals and strategies for improving the health of the local community
  - Describes how representatives of the local community develop and implement the local plans
  - Addresses how county or district public health agencies coordinate with the CDPHE and others within the public health system to accomplish goals and priorities identified in the comprehensive, statewide public health improvement plan
  - Identifies financial resources available to meet identified public health needs and to meet requirements for the provision of core public health services
- B) Provide or arrange for services to carry out the public health laws and rules of the state board of health and CDPHE environmental commissions according to the specific needs and resources available within the community as determined by the local board of health or the board of county commissioners as set out in the state and local plans
- C) Complete a community health assessment and create the local public health plan every five years and submit to the local and state boards of health for review
- D) Advise the local board of health on public policy issues necessary to protect public health and the environment
- E) Provide or arrange for the provision of quality, core public health services deemed essential by the state board and the comprehensive, statewide public health improvement plan
- F) Administer and enforce laws pertaining to public health, air, waste, water quality, vital statistics, and orders and standards of the state board of health
- G) Investigate and control causes of epidemic or communicable diseases and conditions affecting public health
- H) Establish and maintain quarantines for the protection of public health
- I) Close schools and public places, when appropriate, to protect public health
- J) Investigate and abate nuisances
- K) Establish and maintain or make available chemical, bacteriological and biological laboratories
- L) Purchase and distribute to physicians and veterinarians approved biological or therapeutic products necessary for the protection of public health
- M) Initiate and carry out health programs consistent with state law that are necessary or desirable by the county or local board of health
- N) Collect, compile and tabulate reports of marriages, dissolutions of marriage, and declarations of invalidity of marriage, births, deaths and morbidity
- O) Make necessary sanitation and health investigations and inspections, on its own initiative or in cooperation with the CDPHE for matters affecting public health
- P) Collaborate with the CDPHE, state board of health, and the state's environmental commissions in all matters pertaining to public and environmental health
- Q) In the event of a public health emergency, the agency shall issue orders and adopt rules consistent with the laws and rules of the state as the public health director may deem necessary for the proper exercise of the powers and duties vested in or imposed upon the agency or the local board of health
- R) If there are insufficient funds to provide the above services, set priorities for providing services and include the list in the local plan

## **Local Public Health Director Powers and Duties**

- A) Select all personnel required by the agency
- B) In the event of a public health emergency, issue orders and adopt rules consistent with the laws and rules of the state as the public health director may deem necessary for the proper exercise of the powers and duties vested in or imposed upon the agency or the local board of health
- C) Administer and enforce:
  - Public health laws of the state and CDPHE environmental commissions, and orders of the state board of health
  - Orders and rules of the local board of health
- D) Exercise all powers and duties conferred and imposed upon agencies not expressly delegated by the provisions of Part 5 to a local board of health
- E) Hold hearings, administer oaths, subpoena witnesses and take testimony in all matters relating to the exercise and performance of his or her powers and duties
- F) Act as the local registrar of vital statistics or to contract out the responsibility of registrar in the area over which the agency has jurisdiction
- G) Direct the resources needed to carry out the local plan public health plan
- H) Serve as Secretary to the local board of health if requested and as custodian of all properties and records of the agency
- I) Certify that claims or demands against the fund shall be expended only for purposes of Part 5

## Local Boards of Health Powers and Duties

- A) Establish a local public health agency in accord with the Act by July 1, 2009
- B) Determine the services to carry out the public health laws and rules of the state board of health and CDPHE's environmental commissions according to the specific needs and resources available within the community and as set out in the state and local plans
- C) Direct the local public health agency to complete a community health assessment and local plans every five years
- D) Approve the local public health plan and submit to the state board of health for review
- E) Consider advice from the local public health agency regarding policy issues necessary to protect public health and the environment
- F) If there are insufficient funds to provide the above services, set priorities for providing services and include the list in the local plan
- G) Elect from its members a President and other officers as it determines
- H) Hold regular meetings at least every three months as established by resolution; as well as special meetings called by the president or majority of members of the board with three-day notice or 24-hours notice for emergencies
- I) Develop and promote the public policies needed to secure the conditions necessary for a healthy community
- J) Certify that claims or demands against the local public health agency fund shall be expended only for purposes of Part 5
- K) Annually beginning **September 1, 2008**, estimate the total cost of maintaining the local public health agency for the ensuing year and submit a budget to the county commissioners

END