

AMENDMENTS TO LB421

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 71-1626, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           71-1626 For purposes of sections 71-1626 to 71-1636:

6           (1) Community-wide directed health measure means a public health  
7 action or intervention by a local public health department involving the  
8 total population of the jurisdiction of such local public health  
9 department when there are no known epidemiological links;

10          (2) ~~(1)~~ Core public health functions means assessment, policy  
11 development, and assurance designed to protect and improve the health of  
12 persons within a geographically defined community by (a) emphasizing  
13 services to prevent illness, disease, and disability, (b) promoting  
14 effective coordination and use of community resources, and (c) extending  
15 health services into the community, including public health nursing,  
16 disease prevention and control, public health education, and  
17 environmental health services;

18          (3) ~~(2)~~ County, district, or city-county health department means a  
19 governmental entity approved by the Department of Health and Human  
20 Services as a local full-time public health service which (a) utilizes  
21 local, state, federal, and other funds or any combination thereof, (b)  
22 employs qualified public health medical, nursing, environmental health,  
23 health education, and other essential personnel who work under the  
24 direction and supervision of a full-time qualified medical director or of  
25 a full-time qualified lay administrator and are assisted at least part  
26 time by at least one medical consultant who shall be a licensed  
27 physician, and (c) is operated in conformity with the rules, regulations,

1 and policies of the Department of Health and Human Services. The medical  
2 director or lay administrator shall be called the health director; ~~and~~

3 (4) Epidemiological link means an instance in which an individual  
4 may have had exposure to a communicable disease and exposure through  
5 known modes of transmission is plausible. An exposure may be considered  
6 epidemiologically linked if at least one entity in the chain of  
7 transmission is a contact or a confirmed, probable, or suspect case; and

8 (5) {3} Local public health department means a county, district, or  
9 city-county health department.

10 Sec. 2. Section 71-1630, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-1630 (1) When a health department has been established by the  
13 county board of a county and approved by the Department of Health and  
14 Human Services as a county health department, the county board of such  
15 county shall appoint a board of health which shall consist of the  
16 following members: (a) One member of the county board; (b) one dentist;  
17 (c) one physician; and (d) six public-spirited men or women interested in  
18 the health of the community. The physician and dentist shall each serve  
19 an initial term of three years. Three public-spirited men or women shall  
20 each serve an initial term of three years, and three public-spirited men  
21 or women shall each serve an initial term of two years. After the initial  
22 terms of office expire, each new appointment shall be for a term of three  
23 years. Appointments to fill any vacancies shall be for the unexpired term  
24 of the member whose term is being filled by such appointment. A county  
25 association or society of dentists or physicians or its managing board  
26 may submit each year to the county board a list of three persons of  
27 recognized ability in such profession. If such a list is submitted, the  
28 county board, in making an appointment for such profession, shall  
29 consider the names on the list and may appoint one of the persons so  
30 named.

31 (2) When a district health department has been established by a

1 joint resolution of the county boards of each county in a district health  
2 department, the county boards of such district shall meet and establish a  
3 district board of health with due consideration for a fair and equitable  
4 representation from the entire area to be served. The district board of  
5 health shall consist of the following members: (a) One member of each  
6 county board in the district, (b) at least one physician, (c) at least  
7 one dentist, and (d) one or more public-spirited men or women interested  
8 in the health of the community from each county in the district. One-  
9 third of the members shall be appointed for terms of one year, one-third  
10 for terms of two years, and one-third for terms of three years. After  
11 their terms of office expire, each new appointment shall be for a term of  
12 three years. Appointments to fill any vacancies shall be for the  
13 unexpired terms. A county association or society of dentists or  
14 physicians or its managing board may submit each year to the county  
15 boards a list of three persons of recognized ability in such profession.  
16 If such a list is submitted, the county boards, in making an appointment  
17 for such profession, shall consider the names on the list and may appoint  
18 one of the persons so named.

19 (3) Except as provided in subsection (4) of this section, when the  
20 county board of any county and the city council of any city located in  
21 such county have executed an agreement, approved by the Department of  
22 Health and Human Services, for maintaining a city-county health  
23 department, the city and county shall establish a city-county board of  
24 health. It shall consist of the following members selected by a majority  
25 vote of the city council and the county board, with due consideration to  
26 be given in an endeavor to secure a fair and equitable representation  
27 from the entire area to be served: (a) One representative of the county  
28 board, (b) one representative from the city council, (c) one physician,  
29 (d) one dentist, and (e) five public-spirited men or women, not employed  
30 in the health industry or in the health professions, who are interested  
31 in the health of the community. One-third of its members shall be

1 appointed for terms of one year, one-third for terms of two years, and  
2 one-third for terms of three years. After their terms of office expire,  
3 each new appointment shall be for a period of three years. A county  
4 association or society of dentists or physicians or its managing board  
5 may submit each year to the city council and the county board a list of  
6 three persons of recognized ability in such profession. If such a list is  
7 submitted, the city council and the county board, in making an  
8 appointment for such profession, shall consider the names on the list and  
9 may appoint one of the persons so named.

10 (4)(a) When the county board of any county having a population of  
11 more than two hundred thousand inhabitants and the city council of any  
12 city located in such county have executed an agreement, approved by the  
13 Department of Health and Human Services, for maintaining a city-county  
14 health department on or after January 1, 1997, the city and county shall  
15 establish a city-county board of health. The board shall consist of the  
16 following members to be appointed by the mayor with the consent of the  
17 city council and county board: One representative of the county board,  
18 one representative from the city council, one physician, one dentist, and  
19 five public-spirited persons who are interested in the health of the  
20 community. Three of the members shall be appointed for terms of one year,  
21 three for terms of two years, and three for terms of three years. After  
22 the initial terms of office expire, each successor member shall be  
23 appointed for a term of three years. The physician and dentist members  
24 shall be appointed as provided in this subdivision. The mayor shall  
25 invite the local county association or society of dentists or physicians  
26 or its managing board to timely submit to the mayor a list of three  
27 persons of recognized ability in the profession. A list is timely  
28 submitted if it is submitted within sixty days after the mayor's  
29 invitation. If the list is not timely submitted, the mayor may consider  
30 the list timely submitted at any time prior to making an appointment,  
31 otherwise the mayor shall appoint a person of recognized ability in the

1 profession. If the list is timely submitted, the mayor shall consider the  
2 names on the list and shall either appoint one of the persons on the list  
3 or invite a list of three new names using the process provided in this  
4 subdivision.

5 (b) The board of health shall, immediately after appointment, meet  
6 and organize by the election of one of its own members as president and  
7 one as vice president. The board members may elect such other officers as  
8 they deem necessary and may adopt and promulgate rules for the guidance  
9 of the board which are not inconsistent with law or the agreement  
10 creating the board. If any board member resigns or ceases to meet the  
11 requirements for eligibility on the board, or if there is any other  
12 vacancy on the board, the mayor shall appoint another representative to  
13 serve for the member's unexpired term subject to consent by a majority  
14 vote of both the city council and the county board. Any appointment to  
15 fill a vacancy on the board shall be for the unexpired term of the member  
16 whose vacancy is being filled.

17 (c) The board of health shall have the following duties:

18 (i) Assessment of community health status and available resources  
19 for health matters, including collecting and analyzing relevant data and  
20 annually reporting and making recommendations on improving public health  
21 matters to the mayor, city council, and county board;

22 (ii) Policy development for proposals before the board of health,  
23 the city council, and the county board to support and improve public  
24 health, including appointing, with the approval of the mayor, city  
25 council, and county board, advisory committees to the board of health to  
26 facilitate community development functions and coalition building related  
27 to public health and adopting and approving official health department  
28 policies consistent with applicable law and approved by the affirmative  
29 vote of not less than five board members at a regular meeting of the  
30 board in the following areas:

31 (A) Community health services and health promotion and outreach,

1 specifically including policies related to the following:

2 (I) Client services and fees;

3 (II) Standing orders, supervision, screening, and emergency and  
4 referral protocols and procedures;

5 (III) Monitoring and reporting; and

6 (IV) Communicable disease investigation, immunization, vaccination,  
7 testing, and prevention measures, including measures to arrest the  
8 progress of communicable diseases;

9 (B) Environmental health, specifically including policies related to  
10 the following:

11 (I) Permitting, inspection, and enforcement;

12 (II) Monitoring, sampling, and reporting;

13 (III) Technical assistance and plan review; and

14 (IV) Prevention measures;

15 (C) Investigating and controlling diseases and injury, specifically  
16 including policies related to the following:

17 (I) Permitting, inspection, and enforcement;

18 (II) Monitoring, sampling, and reporting;

19 (III) Technical assistance and plan review; and

20 (IV) Prevention measures; and

21 (D) Other health matters as may be requested by the city council or  
22 county board; and

23 (iii) Assurance that needed services are available through public or  
24 private sources in the community, including:

25 (A) Acting in an advisory capacity to review and recommend changes  
26 to ordinances, resolutions, and resource allocations before the city  
27 council or county board related to health matters;

28 (B) Annually reviewing and recommending changes in the proposed  
29 budget for resource allocations related to the health department as  
30 provided in the city-county agreement; and

31 (C) Monitoring and reviewing the enforcement of laws and regulations

1 of the board of health, city council, and county board related to public  
2 health in the community.

3 (d) The mayor of the city shall appoint, with the approval of the  
4 board of health, city council, and county board, the health director of  
5 the health department. The health director shall be a member of the  
6 unclassified service of the city under the direction and supervision of  
7 the mayor. The health director shall be well-trained in public health  
8 work, but he or she need not be a graduate of an accredited medical  
9 school. If the health director is not a graduate of an accredited medical  
10 school, the health director shall be assisted at least part time by at  
11 least one medical consultant who is a licensed physician. The mayor shall  
12 submit the health department budget to the city council and county board.  
13 The mayor shall also provide budget information to the board of health  
14 with sufficient time to allow such board to consider such information.  
15 The mayor may enter into contracts and accept grants on behalf of the  
16 health department. The mayor may terminate the health director with  
17 approval of a majority vote of the city council, the county board, and  
18 the board of health. The health director shall:

19 (i) Provide administrative supervision of the health department;

20 (ii) Make all necessary sanitary and health investigations and  
21 inspections;

22 (iii) Investigate the existence of any contagious or infectious  
23 disease. The health director shall receive approval of community-wide  
24 directed health measures in writing prior to issuance by a majority of  
25 the publicly elected representatives of the county board and city council  
26 who are appointed to the city-county health department pursuant to  
27 subdivision (4)(a) of this section, and such directed health measures  
28 shall be submitted to the city-county board of health for ratification at  
29 the next regularly scheduled meeting of such board and adopt measures to  
30 arrest the progress of the disease;

31 (iv) Distribute free, as the local needs may require, all vaccines,

1 drugs, serums, and other preparations obtained from the Department of  
2 Health and Human Services or otherwise provided for public health  
3 purposes;

4 (v) Give professional advice and information to school authorities  
5 and other public agencies on all matters pertaining to sanitation and  
6 public health;

7 (vi) Inform the board of health when the city council or county  
8 board is considering proposals related to health matters or has otherwise  
9 requested recommendations from the board of health;

10 (vii) Inform the board of health of developments in the field of  
11 public health and of any need for updating or adding to or deleting from  
12 the programs of the health department; and

13 (viii) Perform duties and functions as otherwise provided by law.

14 Sec. 3. Section 71-1632, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 71-1632 ~~The Except as provided in subsection (4) of section~~  
17 ~~71-1630,~~ the health director of a county, district, or city-county health  
18 department shall have the power and duty to (1) be the executive officer  
19 of the local boards of health; (2) appoint, subject to any applicable  
20 county or city civil service laws, rules, or regulations, a properly  
21 functioning staff and other personnel as may be necessary, whose  
22 qualifications shall conform to the United States Public Health Standards  
23 and whose remuneration shall conform to an established compensation  
24 schedule set by such local board of health and which is reviewed and  
25 approved annually by such board; (3) issue and enforce community-wide  
26 directed health measures. The health director shall receive approval of  
27 such directed health measures in writing prior to issuance by a majority  
28 of the publicly elected representatives of the county board and, if a  
29 city-county health department, the city council, and such directed health  
30 measures shall be submitted to the board of health for ratification at  
31 the next regularly scheduled meeting of such board; (4) review annually,



1 with the local board of health, the proposed budget of the department;  
2 (5) ~~(4)~~ organize, with the approval of the local board of health, a  
3 citizens' advisory health council that will aid in developing a public  
4 health program to meet the particular needs, hazards, and problems of the  
5 health district; and (6) ~~(5)~~ organize, with the approval of the local  
6 board of health, a medical and dental advisory committee.

7       Sec. 4. Original sections 71-1626, 71-1630, and 71-1632, Reissue  
8 Revised Statutes of Nebraska, are repealed.