

E AND R AMENDMENTS TO LB203

Introduced by Guereca, 7, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new 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 and section 4 of
6 this act:

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

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

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

1 physician, and (c) is operated in conformity with the rules, regulations,
2 and policies of the Department of Health and Human Services. The medical
3 director or lay administrator shall be called the health director; and

4 (4) Epidemiological link means an instance in which an individual
5 may have had exposure to a communicable disease and exposure through
6 known modes of transmission is plausible. An exposure may be considered
7 epidemiologically linked if at least one entity in the chain of
8 transmission is a contact or a confirmed, probable, or suspect case; and
9 (5) (3) Local public health department means a county, district, or
10 city-county health department.

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

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

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

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

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

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

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

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

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

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

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

1 (A) Community health services and health promotion and outreach,
2 specifically including policies related to the following:
3 (I) Client services and fees;
4 (II) Standing orders, supervision, screening, and emergency and
5 referral protocols and procedures;
6 (III) Monitoring and reporting; and
7 (IV) Communicable disease investigation, immunization, vaccination,
8 testing, and prevention measures, including measures to arrest the
9 progress of communicable diseases;

10 (B) Environmental health, specifically including policies related to
11 the following:
12 (I) Permitting, inspection, and enforcement;
13 (II) Monitoring, sampling, and reporting;
14 (III) Technical assistance and plan review; and
15 (IV) Prevention measures;
16 (C) Investigating and controlling diseases and injury, specifically
17 including policies related to the following:
18 (I) Permitting, inspection, and enforcement;
19 (II) Monitoring, sampling, and reporting;
20 (III) Technical assistance and plan review; and
21 (IV) Prevention measures; and
22 (D) Other health matters as may be requested by the city council or
23 county board; and
24 (iii) Assurance that needed services are available through public or
25 private sources in the community, including:
26 (A) Acting in an advisory capacity to review and recommend changes
27 to ordinances, resolutions, and resource allocations before the city
28 council or county board related to health matters;
29 (B) Annually reviewing and recommending changes in the proposed
30 budget for resource allocations related to the health department as
31 provided in the city-county agreement; and

1 (C) Monitoring and reviewing the enforcement of laws and regulations
2 of the board of health, city council, and county board related to public
3 health in the community.

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

20 (i) Provide administrative supervision of the health department;
21 (ii) Make all necessary sanitary and health investigations and
22 inspections;

23 (iii) Investigate the existence of any contagious or infectious
24 disease. The health director shall receive written approval by a majority
25 of the publicly elected representatives of the county board and city
26 council who are appointed to the city-county health department pursuant
27 to subdivision (4)(a) of this section for community-wide directed health
28 measures prior to issuance of such measures. Such directed health
29 measures shall be submitted to the city-county board of health for
30 ratification at a regular or emergency meeting of the board. Any duties
31 required to be carried out by a public body under this subdivision may be

1 completed using virtual conferencing when permitted under subsection (7)
2 of section 84-1411. For purposes of this subdivision, written includes
3 electronic records or documents and adopt measures to arrest the progress
4 of the disease;

5 (iv) Distribute free, as the local needs may require, all vaccines,
6 drugs, serums, and other preparations obtained from the Department of
7 Health and Human Services or otherwise provided for public health
8 purposes;

9 (v) Give professional advice and information to school authorities
10 and other public agencies on all matters pertaining to sanitation and
11 public health;

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

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

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

19 **Sec. 3.** Section 71-1632, Reissue Revised Statutes of Nebraska, is
20 amended to read:

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

1 such directed health measures in writing prior to issuance by a majority
2 of the publicly elected representatives of the county board or, in the
3 case of a city-county health department, written approval by a majority
4 of the publicly elected representatives of the city council, and such
5 directed health measures shall be submitted to the board of health for
6 ratification at a regular or emergency meeting of the board. Any duties
7 required to be carried out by a public body under this subdivision may be
8 completed using virtual conferencing when permitted under subsection (7)
9 of section 84-1411. For purposes of this subdivision, written or in
10 writing includes electronic records or documents; (4) (3) review
11 annually, with the local board of health, the proposed budget of the
12 department; (5) (4) organize, with the approval of the local board of
13 health, a citizens' advisory health council that will aid in developing a
14 public health program to meet the particular needs, hazards, and problems
15 of the health district; and (6) (5) organize, with the approval of the
16 local board of health, a medical and dental advisory committee.

17 **Sec. 4.** A community-wide directed health measure (1) shall be
18 subject to approval as provided in sections 71-1630 and 71-1632, (2)
19 shall expire seven days after the date of issuance, and (3) may be
20 reauthorized subject to approval as provided in sections 71-1630 and
21 71-1632.

22 **Sec. 5.** Original sections 71-1626, 71-1630, and 71-1632, Reissue
23 Revised Statutes of Nebraska, are repealed.

24 2. On page 1, line 4, after the semicolon insert "to provide
25 requirements relating to community-wide directed health measures; to
26 harmonize provisions;".