

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Division of Health TITLE NUMBER: 64

CITE AUTHORITY W. Va. Code §16-1-7

AMENDMENT TO AN EXISTING RULE: YES NO

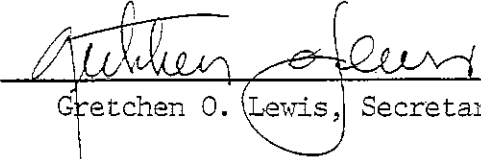
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 73

TITLE OF RULE BEING PROPOSED: Standards for Local Boards of Health

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Gretchen O. Lewis, Secretary

**PROPOSED RULE - TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH**

SERIES 73

STANDARDS FOR LOCAL BOARDS OF HEALTH

**Modified Rule Approved by the
Legislative Rule-Making Review Committee**

11/15/95

PROPOSED RULE
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
STANDARDS FOR LOCAL BOARDS OF HEALTH
64 CSR 73

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TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
SERIES 73
STANDARDS FOR LOCAL BOARDS OF HEALTH

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§64-73-1. General.

1.1. **Scope** - This legislative rule establishes standards for the plans of operation, administration, fiscal reporting, quality assurance, and provision of public health services and programs by local boards of health.

1.2. **Authority** - W. Va. Code §16-1-7.

1.3. **Filing Date** -

1.4. **Effective Date** -

§64-73-2. Application and Enforcement.

2.1. **Application** - This rule applies to local boards of health.

2.2. **Enforcement** - This rule is enforced by the director of the division of health.

§64-67-3. Definitions.

3.1. **Department** - The state department of health and human resources.

3.2. **Director** - The director¹ of the division of health and his or her designee.

3.3. **Division of Health or Division** - The division of health of the department of health and human resources.

3.4. **Fiscal Year** - The twelve (12) month period beginning the first day of July and ending the thirtieth day of the following June.

3.5. **Local Board of Health or Board** - A board of health serving one (1) or more counties, one (1) or more municipalities, or a combination thereof.

3.6. **Local Health Department** - The staff of the local board of health.

¹ The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989, and the Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code §5F-1-1 *et seq.*). Administratively within the DHHR the Bureau of Public Health through its Commissioner carries out the public health function of the Division of Health.

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3.7. **Local Health Officer** - An individual physician with a current license to practice in West Virginia, who is knowledgeable of sanitary laws, and who shall supervise and direct the activities of county or municipal health services, employees and facilities.

3.8. **State Aid Funds** - Funds appropriated annually by the legislature to provide financial aid to local boards of health.

§64-73-4. Organization.

4.1. A local board of health shall be organized in accordance with Chapter 16 of the W. Va. Code.

4.2. A local board of health in a county having a population greater than thirty thousand (30,000) shall meet no less than six (6) times a year. A local board of health in a county having a population less than thirty thousand (30,000) shall meet no less than four (4) times a year.

4.3. The board shall comply with the requirements of W. Va. Code §6-9A-1 through §6-9A-6 regarding open governmental proceedings.

4.4. The by-laws of the board shall at a minimum include attendance requirements for board members, the number, duties, tenure and qualifications of members, a description of the process for filling vacancies on the board, requirements for written minutes and records of board actions, and a description of the duties and election process for officers. A quorum of the board for transacting business is a simple majority of the constituent membership of the board.

§64-73-5. Health Services and Programs.

5.1. The board shall provide the following public health services and programs:

5.1.1. Evaluation of the health needs of the community it serves using generally accepted professional health needs assessment techniques;

5.1.2. Efforts to prevent and control epidemics, and investigation and containment of diseases and injuries through compliance with the requirements of W. Va. Division of Health Administrative Rules, 64 CSR 7, Reportable Diseases, regarding disease surveillance and epidemiological reporting;

5.1.3. Promotion of a safe and healthy environment, and maintenance of clean and safe air, water, food and facilities through a program of routine public health environmental education and control;

5.1.4. Promotion of healthy lifestyles, including the provision of health education to individuals and communities;

5.1.5. Targeted outreach and the formation of partnerships with other community organizations; and

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5.1.6. Initiation and participation in mobilization of the community for actions to improve the health and well-being of the population served.

5.2. The board shall administer public health sanitation rules as specified by the director with regard to:

- 5.2.1. Public drinking water sanitation;
- 5.2.2. Sewage and wastewater sanitation;
- 5.2.3. Food and milk sanitation;
- 5.2.4. Housing and institutional sanitation;
- 5.2.5. Recreational sanitation; and
- 5.2.6. General sanitation.

5.3. The board of health shall implement a program of immunizations according to the Standards for Pediatric Immunization Practices, as published by the U. S. Centers for Disease Control and Prevention.

5.4. The board shall conduct preventive health programs designed to promote healthy behaviors.

5.5. The board may provide individual health care services.

5.6. The board shall maintain and conform to its written policies and procedures governing patient or client referral, release of information, confidentiality, and the consent for staff to provide services to patients or clients which shall be consistent with applicable federal and State laws, rules and regulations.

5.7. Patient or client care protocols, including standing orders and medical directives shall be approved annually by the local health officer.

5.8. The board may charge fees for permits and services as authorized by the director, the State legislature and applicable State law and rules.

§64-73-6. Reports and Records.

The board shall in a timely manner submit reports and records in compliance with applicable State and federal rules and regulations and departmental policies.

§64-73-7. General Administration of the Local Health Department.

7.1. Staff

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7.1.1. The board may employ or contract for staff to carry out its duties and responsibilities within funding available.

7.1.2. The board shall have a written organizational chart for the local health department which indicates lines of authority and responsibility.

7.1.3. The board shall review the organizational chart annually and shall document the review in minutes of an official board meeting.

7.1.4. The board shall employ an administrator or designate a staff member or shall contract for an administrator to manage day-to-day operations.

7.1.5. Staff and consultants of the board and of any contractors providing services for the board shall be in compliance with applicable West Virginia licensure requirements.

7.1.6. The board shall have liability insurance at least equivalent to that available to local boards through the State board of risk management which includes all staff, board members, and contracted services.

7.2. Policies and Procedures

All administrative policies, procedures, rules, and instructions specifying the operations and activities of the staff, including patient- or client-related activities shall be written and readily available to relevant staff.

7.3. Personnel Management

7.3.1. The board shall keep a confidential personnel record for each staff member.

7.3.2. The board shall review and reapprove or revise functional job descriptions, including those performed through contract, at least every two (2) years.

7.4. Staff Development

7.4.1. The board shall provide an orientation program for all new staff which shall include, at a minimum, introduction and discussion of all policies relating to the job, behavior expected, patient confidentiality, and individualized on-the-job training in specific functions.

7.4.2. The board shall provide training for staff who assume new functions or increased responsibilities or who experience other changes in their job responsibilities.

7.4.3. The board shall provide in-service and continuing education related to current responsibilities to staff on an ongoing basis.

§64-73-8. Financial Management.

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8.1. The board shall participate in audits of and shall be in compliance with procedures required by the State tax commissioner. The board shall include a copy of the most recent audit report with the annual submission of the program plan required by §10 1.2 of this rule.

8.2. The board shall identify in writing staff or contract staff who have the authority to:

8.2.1. Handle cash;

8.2.2. Sign checks in accordance with W. Va. Code §16-2A-6; and

8.2.3. Approve or disapprove of expenditures.

8.3. The board should maintain a cash reserve equal to at least the past three (3) months' operating expenditures of the local health department.

8.4. The board shall establish a written schedule and procedures for reimbursement of employee travel and other expenditures.

8.5. Contracts, memoranda, or other forms of agreement between the board and other parties shall be in writing.

8.6. The board shall establish a procedure to monitor program costs, revenues, and expenditures.

8.7. No later than thirty (30) days prior to the first day of July, the board shall develop a budget for the coming fiscal year. The budget shall identify and provide details of the operating expenses needed for each individual program and other activities.

§64-73-9. Physical Facilities.

9.1. The board shall provide facilities and equipment for the local health department.

9.2. The board should be able to provide evidence that the buildings and grounds of the local health department are in compliance with federal and State laws and regulations.

9.3. The buildings and grounds of the local health department shall have one (1) or more outside signs which clearly identify the department.

9.4. The board shall promote the protection of patient or client privacy.

9.5. The board shall establish a policy prohibiting smoking or the use of smokeless tobacco in the local health department.

§64-73-10. Program Plan.

10.1. Program Plan

Modified Rule: 11/15/95

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10.1.1. The plan shall be submitted on forms supplied or approved by the director which shall include:

10.1.1.a. A comparison of current year activities (year-to-date) and projections for the coming year;

10.1.1.b. A brief general mission statement;

10.1.1.c. An overall general five (5) year plan;

10.1.1.d. Short-term goals for each program; and

10.1.1.e. The budget document.

10.1.2. The plan shall be submitted annually to the division no later than thirty (30) days prior to the first day of July.

10.2. Planning Process

10.2.1. The board shall conduct an ongoing planning process.

10.2.2. The board shall provide opportunities for and document citizen and staff participation in planning, developing, and implementing programs.

10.3. Evaluation

The director shall approve or disapprove the board's program plan based on compliance with this rule.

§64-73-11. Penalties.

In the event that the director determines that a local board of health is not in compliance with this rule, the director may withhold State aid funds until such time as the board submits an acceptable plan to correct deficiencies in the program plan.

§64-73-12. Administrative Due Process.

Those local boards of health adversely affected by the enforcement of this rule who desire a contested case hearing to determine any rights, duties, interests, or privileges, shall do so in a manner prescribed in W. Va. Division of Health Administrative Rules, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64 CSR 1.

§64-73-13. Severability.

The provisions of this rule are severable. If any provisions of this rule are held invalid, the remaining provisions remain in effect.



FILED

Nov 27 2 14 PM '95

West Virginia Legislature
Legislative Rule-Making Review Committee OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Room MB47-State Capitol
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chair
Delegate Vickie Douglas, Co-Chair

November 15, 1995

Debra A. Graham, Counsel
Joe Altizer, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register
TO: Ms. Gretchen G. Lewis, Secretary
Dept. of Health and Human Resources
Capitol Complex, Bldg. 3
Charleston, WV 25305
FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Standards for Local Boards of Health

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency X
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Kay Howard
Regulatory Development

Jerry Coyne
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