

LEGISLATIVE BILL 198

Approved by the Governor April 24, 1979

Introduced by Beutler, 28

AN ACT to amend sections 71-1631 and 71-1632, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630, Revised Statutes Supplement, 1978, relating to public health and welfare; to remove certain exceptions; to change qualifications for certain health directors; to change powers and duties for certain health directors; and to repeal the original sections, and also sections 71-1630.02 and 71-1630.03, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630.01, Revised Statutes Supplement, 1978.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-1630, Revised Statutes Supplement, 1978, be amended to read as follows:

71-1630. (1) When a health department has been established by the county board of such a county and approved by the Department of Health of the State of Nebraska as a county health department, the county board of such county shall appoint a board of health, which shall consist of the following members: (a) One member of the county board, (b) the county clerk or superintendent, who shall be appointed by the county board of commissioners or supervisors, (c) a representative of the county dental society chosen from a list of three names submitted by the county dental society, (d) a representative of the county medical society, chosen from a list of three names submitted by the county medical society, and (e) five public-spirited men or women interested in the health of the community. The representatives of the county dental society and the county medical society shall be appointed for a period of three years and two of the five said public-spirited men or women interested in the health of the community for a period of two years and the others for a period of three years. After their terms of office expire, each new appointment shall be for a period of three years. No member shall serve more than two consecutive three-year terms. Appointments to fill any vacancies shall be for the unexpired term of the member whose term is being filled by such appointment.

(2) By a joint resolution of the county boards of each county in the district health department, the county boards of such district shall meet and establish a

district board of health with due consideration for a fair and equitable representation from the entire area to be served. The district board of health shall consist of the following members: (a) One member of each county board in the district, (b) one physician from each county chosen from a list of three names submitted by the medical society of each county in the district, or if any county does not have a medical society, a physician chosen from a list of three physicians residing and practicing in such district, submitted by the district medical society, (c) the county superintendent or clerk from each county in the district, (d) one dentist from each county, chosen from a list of three names submitted by each county dental society in the district, or if any county has no dental society, a dentist chosen from a list of three dentists residing and practicing in the district, submitted by the district dental society, and (e) one or more public-spirited men or women interested in the health of the community from each county in the district; one-third of whom shall be appointed for a term of one year, one-third for a period of two years and one-third for a period of three years, and after their terms of office shall expire, each new appointment shall be for a period of three years. No member shall serve more than two consecutive three-year terms. Appointments to fill any vacancies shall be for the unexpired terms.

(3) When the county board of any such county and the city council of any city located therein, ~~except a city of the primary class,~~ have drawn up an agreement, approved by the Department of Health, for maintaining a city-county health department, the city and county shall establish a city-county board of health. It shall consist of the following members, with due consideration to be given in an endeavor to secure a fair and equitable representation from the entire area to be served: (a) One representative of the county board to be chosen by the county board, (b) one representative from the city council to be chosen by the city council, (c) one representative from the county medical society, chosen from a list of ~~three~~ five names submitted by the county medical society to the city council and county board and selected by a majority vote of the city council and county board, (d) one representative from the county dental society, chosen from a list of ~~three~~ five names submitted by the county dental society to the city council and county board and selected by a majority vote of the city council and county board, and (e) five public-spirited men or women, not employed in the health industry or in the health professions, who are interested in the health of the community, to be chosen by the majority vote of the city council and county board. One-third of its members shall be appointed for a term of

one year, one-third for a period of two years and one-third for a period of three years. After their terms of office shall expire, each new appointment shall be for a period of three years. No member shall serve more than two consecutive three-year terms.

Sec. 2. That section 71-1631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1631. The board of health of each county, district, or city-county health department, ~~except a department established by a county and a city of the primary class;~~ organized under sections 71-1626 to 71-1636 shall, immediately after appointment, meet and organize by the election of one of its own members as president, one as vice president, and another as secretary and, either from its own members or otherwise, a treasurer and shall have the power herein set forth. It may elect such other officers, as it may deem necessary, and make and adopt such rules for its own guidance and for the government of such health department as may be necessary, not inconsistent with said sections. It shall, with the approval of the board of county commissioners and the municipality, whenever a city is a party in such a city-county health department (1) select the health director of such department, who shall be (a) well-trained in public health work though he or she need not be a graduate of an accredited medical school, but if he or she is not such a graduate, he or she shall be assisted at least part time by at least one medical consultant who shall be a licensed physician, ~~except that in any department of which a city of the metropolitan class is a part, the health director shall be such a graduate;~~ (b) qualified in accordance with the merit system regulations of the state, and (c) approved by the Department of Health; (2) hold an annual meeting ~~in July~~ of each year, at which meeting officers shall be elected for the ensuing year; (3) hold meetings quarterly ~~in October, January, and April~~ of each year; (4) hold special meetings upon a written request signed by two of its members and filed with the secretary; (5) make provision for suitable offices, facilities, and equipment for the health director and assistants and their pay and traveling expenses in the performance of their duties; (6) publish, on or soon after the second Tuesday in July of each year, in pamphlet form for free distribution, an annual report showing (a) the condition of its trust ~~on the first day of July of that year,~~ for each year, (b) the sums of money received from all sources, giving the name of any donor, (c) how all money has been expended and for what purpose, and (d) such other statistics and information in regard to the work of such health

department as may be of general interest; (7) enact rules and regulations, subsequent to public hearing held after due public notice of such hearing by publication at least once in a newspaper having general circulation in the county or district at least ten days prior to such hearing, and enforce the same for the protection of public health and the prevention of communicable diseases within its jurisdiction, subject to the review and approval of such rules and regulations by the State Board of Health; (8) make all necessary sanitary and health investigations and inspections; (9) in counties having a population of more than three hundred thousand inhabitants, enact rules and regulations for the protection of public health and the prevention of communicable diseases within the district; provided, that such rules and regulations shall have no application within the jurisdictional limits of any city of the metropolitan class, nor be in effect until (a) thirty days after the completion of a three-week publication in a legal newspaper, (b) approved by the county attorney with his or her written approval attached thereto, and (c) filed in the office of the county clerk of such county; (10) investigate the existence of any contagious or infectious disease and adopt measures, with the approval of the Department of Health, to arrest the progress of the same; (11) distribute free, as the local needs may require, all vaccines, drugs, serums, and other preparations obtained from the Department of Health or purchased for public health purposes by the county board; (12) upon request, give professional advice and information to all city, village, and school authorities on all matters pertaining to sanitation and public health; and (13) fix the salaries of all employees, including the health director. Such city-county health department may also establish an independent pension plan, retirement plan, or health insurance plan, or by agreement with any participating city or county, provide for the coverage of officers and employees of such city-county health department under such city or county pension plan, retirement plan, or health insurance plan. Officers and employees of a county health department shall be eligible to participate in the county pension plan, retirement plan, or health insurance plan of such county; and (14) establish fees for the costs of all services including those services for which third party payment is available.

Sec. 3. That section 71-1632, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1632. The health director of such county, district, or city-county health department;--~~except--~~

~~department-established-under-the-provisions-of-section 71-1630.02,~~ shall have the power and duty to (1) be the executive officer of the local boards of health; (2) ~~appoint, with the approval of the local board of health,~~ a properly functioning staff and other personnel as may be necessary, whose qualifications shall conform to the Joint Merit System and United States Public Health Standards and whose remuneration shall conform to an established compensation schedule set by such local board of health and which is reviewed and approved annually by such board; (3) review annually, with the local board of health, the proposed budget of the department; (4) organize, with the approval of the local board of health, a citizens' advisory health council that will aid in developing a public health program to meet the particular needs, hazards and problems of the health district; and (4) (5) organize, with the approval of the local board of health, a medical and dental advisory committee.

Sec. 4. That original sections 71-1631 and 71-1632, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630, Revised Statutes Supplement, 1978, and also sections 71-1630.02 and 71-1630.03, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630.01, Revised Statutes Supplement, 1978, are repealed.