

Public Health Modernization rulemaking

Workgroup 1: Local public health authority, subcontracting of services, relinquishment

Reference documents:

- [Oregon Revised Statutes, Chapter 431](#)
- [HB 2310 B-Engrossed](#)
- [Public Health Modernization Manual](#)

Consider the following questions while reviewing the “Concepts for administrative rules” column:

1. What specific considerations do workgroup members want to see reflected in administrative rules for local public health authority, subcontracting of public health services and transfer of local public health authority?
2. Are there statutory requirements for local public health authority, subcontracting of public health services and transfer of local public health authority that do not appear to be addressed in this matrix?

	Statutory Reference	Concepts for administrative rules	Concepts for contractual requirements
Local Public Health Authority	ORS 431.413 Powers and duties of local public health authorities. ORS 431.131 through 431.138 Foundational capabilities ORS 431.141 through ORS 431.145	Adopt Public Health Modernization Manual (PHMM) by rule as PHMM describes roles and duties of local and state public health and was developed and revised collaboratively between state and local public health. If insufficient funding to perform all roles/duties in PHMM then description of minimum activities LPHA must perform	LPHA acceptance of funding through Financial Assistance Agreement program elements also obligates the county to activities outlined in the program elements.

		<ul style="list-style-type: none"> • Accepting reports of communicable diseases, outbreaks or epidemics and investigating • Issuing or petitioning for isolation and quarantine orders • Review of immunization records • Providing immunizations • Indoor Clean Air Act enforcement, if delegated • Ensuring access to family planning and birth control services • Licensure of tourist accommodations, recreational facilities, organizational camps, etc. • Restaurant licensure • Regulation of public water systems, if delegated 	
Delegation	ORS 431.003(7) defines “local public health authority” to mean: (a) a county government; (b) a health district formed under ORS 431.443; or (c) an intergovernmental entity that provides public health services pursuant to an agreement under ORS 190.010.	Not for inclusion in rule, but this statute represents a change from prior to January 1, 2016 when local governments could delegate LPHA to a private entity.	Public Health Financial Assistance Agreements are between OHA and the Local Public Health Authority.
Subcontracting of public health services	ORS 431.413(3) “A local public health authority may contract with a person to perform a public health service or activity, or to perform all public health	If a LPHA contracts for public health services, identify governance functions that cannot be performed under contract, such as:	Timeline for notifying OHA prior to contracting for service that was previously directly provided by LPHA

	<p>services and activities, that the local public health authority is required to perform under ORS 431.001 to 431.550 and 431.990 or under any other public health law of this state, except that the person with whom the local public health authority contracts may not perform any function, duty or power of the local public health authority related to governance.</p>	<ul style="list-style-type: none"> • Exercising police power • Adopting ordinances, including fees, civil penalties, etc. • Conducting administrative hearings • Issues orders related to public health laws (such as require removal or abatement of a toxic substance on any property, restrict access to contaminated property, investigate violations of public health laws, etc.) • Accepting reports of reportable disease, disease outbreaks or epidemics and investigating • Compelling records during disease outbreak investigation • Petition court for isolation or quarantine order • Taking any action authorized during a public health emergency <p>Identify specific information that must be in LPHA contract with a person to perform a public health service or activity such as:</p> <ul style="list-style-type: none"> • Description of service to be performed and any applicable laws, rules or ordinances that apply. 	<p>Collaboration between OHA, LPHA and contractor to assure smooth transition and minimal disruption of services</p> <p>Service transition communications plan</p> <p>LPHA requirements for programmatic and fiscal monitoring of contractors for funds received through the financial assistance agreement</p>
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Transfer of local public health authority	HB 2310B Section 5	<p>Transfer of all LPHA duties, not a subset of duties.</p> <p>Written notification to Public Health Director within two business days of ordinance adoption</p> <p>Contract provisions, statutory requirements, etc. remain in effect until date of transfer. OHA may authorize termination of contract or agreement at an earlier date or the contract/agreement may be terminated in accordance with termination provisions of the contract/agreement.</p> <p>If transfer ordinance is revoked, OHA and LPHA will work on transition plan to transfer duties back to LPHA.</p>	