

Public Health Modernization Rulemaking Summary

Rule Component	Summary of Change
Definitions (OAR 333-014-0510)	Clarifies that a Local Public Health Authority (LPHA) means a county government, health district or an intergovernmental entity that provides public health services. Authority can no longer be delegated to third parties. Contracts are now with the county and OHA.
Health Administrator requirements (OAR 333-014-0520)	Replaces recommendations in the CLHO Minimum Standards with new recommended qualifications for a local public health administrator. These qualifications include a bachelor’s degree and public health work experience and education that demonstrates competencies in the foundational programs and foundational capabilities. The rule also clarifies the process by which a local public health authority may request to have a local public health administrator work less than full-time.
Funding Formula/ Incentives/ Matching funds (333-014-0530)	<p>Explains the local public health funding formula (base level, matching funds and incentive payments) is for new state dollars appropriated for public health modernization. The rule also clarifies the process by which information will be collected for matching and incentive funds to be allocated to LPHAs.</p> <p>For new state dollars appropriated for public health modernization, OHA is responsible for developing and approving the local public health funding formula and submitting it to the Public Health Advisory Board (PHAB) and Legislative Fiscal Office. PHAB advises on the funding formula. OHA may issue competitive funds if dollars are insufficient to fund all 34 LPHAs.</p>
Accountability Metrics (333-014-0540)	Requires that LPHAs submit accountability metrics data to the OHA. The details and timeline are addressed through contractual requirements. The data used to determine achievement of accountability metrics is only required if the primary data available to report is by the LPHA.
LPHA statutory responsibilities (333-014-0550)	<p>Describes the activities that Oregon law specifically requires a LPHA to perform:</p> <ul style="list-style-type: none"> • Accepting reports of communicable diseases, outbreaks or epidemics and investigating communicable disease, outbreaks, or epidemics • Issuing or petitioning for isolation and quarantine orders • Review of immunization records and issuing exclusion orders • Making immunizations available • Ensuring access to family planning and birth control services • Duties and activities related to enforcing the Indoor Clean Air Act, if delegated • Licensure of tourist accommodations, including hostels, picnic parks, recreation parks and organizational camps, if delegated • Licensure of pools and spas, if delegated • Restaurant licensure, including commissaries, mobile units, vending machines and bed and breakfasts, if delegated • Regulation of public water systems, if delegated • Enforcement of public health laws under ORS 431.150. • The duties specified in ORS 431.413 (PH Modernization foundational programs and capabilities)
Foundational Capabilities and Programs; Prioritization (OAR 333-014-0560)	Clarifies how available funds will be allocated to prioritize foundational capabilities and programs. The rule does not adopt the Public Health Modernization Manual by rule.
LPHA Contracts or Agreements for Local Public Health Services or Activities/Subcontracting (OAR 333-014-0570)	<p>Clarifies that private entities can contract for public health services but cannot contract for governance functions.</p> <p>LPHA must notify OHA at least 75 days in advance prior to executing a NEW contract for public health services and activities. Excludes administrative contracts or contracts that do not have a</p>

Public Health Modernization Rulemaking Summary

	direct impact on consumers of public health services or activities (e.g. evaluation or facilitator contract).
Governance (OAR 333-014-0580)	Rules clarify that private entities cannot perform functions related to governance, such as exercising police powers in public health emergencies and enforcing public health laws (e.g. shutting down a restaurant; issuing exclusion orders).
Transfer of local public health authority (OAR 333-014-0590)	<p>If OHA does not receive state funds that equal or exceed estimates for implementation of public health modernization, an LPHA may transfer duties, not a subset of duties, to the OHA.</p> <p>Written notification to the PHD Director within two business days of ordinance adoption is required from the LPHA and takes effect no sooner than 180 days after the date or the ordinance was adopted.</p> <p>If an LPHA transfers duties, OHA is not obligated to provide or to contract for the provision of public health programs and public health activities within the LPHA jurisdiction. Contract provisions and statutory requirements (which are tied to the foundational programs and capabilities) remain in effect until the date of transfer.</p>