



MEMO

To: Local Public Health Authorities

From: Danna Drum, Strategic Partnerships Lead

Date: UPDATED October 30, 2018

Re: OAR 333-014-0570(2) Notification of intent to contract for Public Health Services

ORS 431.413(3) states a local public health authority (LPHA) may contract with a person to perform a public health service or activity, or to perform all public health services and activities, with the exception of any LPHA function, duty or power related to governance. Governance functions are described in OAR 333-014-0580.

OAR 333-014-0570(2) requires an LPHA provide written notice to the Oregon Health Authority (OHA) at least 75 days prior to executing a new contract or agreement if the following conditions apply:

- The LPHA plans to enter into a new contract for public health services and activities or amend an existing contract to add new public health services, and
- The public health services or activities for which the LPHA plans to contract with another entity:
 - Are pursuant to a contract or agreement between the LPHA and OHA, and
 - Will have a direct impact on consumers of public health services and activities.

Please note that the 75-day notification provision does not apply if:

- The services for which the LPHA plans to contract:
 - Are administrative services, or
 - Are for specific goods or professional services (e.g. legal services, health officer, registered dietitian), or

- Do not have a direct impact on consumers of public health services and activities.
- Procurement activities began prior to January 1, 2018.
- In addition, notification is not necessary for contract renewals if the contractor and the scope of work are not changing. Thus, if a new contract is being executed due to expiration of an immediately preceding contract with the same provider for the same scope of work, notification is not necessary.

Examples of contracts for which the 75-day notification provision applies:

- An LPHA intends to contract with a health (hospital) district to provide all local public health services and activities, except for governance.
- An LPHA intends to contract with a federally-qualified health center (FQHC) to provide immunizations in the community. The LPHA will no longer directly provide immunizations, but will maintain its assurance and governance roles (e.g.: review of school records and issuance of exclusion orders).
- An LPHA intends to contract with another LPHA or individual environmental health specialist to perform environmental health inspection services (for restaurants, pools, spas, tourist accommodations, etc.).
- An LPHA intends to contract with an FQHC to provide STD screening and treatment services. These services will no longer be provided directly (or will only be available on a very limited basis) by the LPHA, but the LPHA will conduct contact investigations and make referrals for follow up to the FQHC.

Examples of contracts for which the 75-day notification provision would not apply:

- The LPHA has funding through the Intergovernmental Agreement for Financing Public Health Services (Public Health IGA) with OHA for teen pregnancy prevention. The LPHA plans to contract with a local culturally-specific organization to deliver an evidence-based teen pregnancy prevention program to a specific population group in the community. The LPHA remains actively involved in the overall teen pregnancy prevention program and delivers the program to other populations in the community but is utilizing a community partner to more effectively reach a specific population.
- As part of approved public health modernization funded activities, an LPHA plans to contract with a consultant to facilitate a strategic planning meeting with other LPHAs and regional community partners to advance the communicable disease public health modernization planning in its area.
- An LPHA plans to contract with a local physician to act as the local public health officer.

- The LPHA plans to contract with a billing specialist to perform all billing for public health services and activities the LPHA performs.
- An LPHA intends to contract with an FQHC to provide expanded immunization services in the community. The LPHA plans to use only county general funds for the contract with the FQHC and the LPHA will continue providing immunization services as required under the Public Health IGA in the same manner it has been.
- An LPHA has contracted with a local FQHC to provide school-based health center services but the contract expired on June 30, 2018. The LPHA plans to contract with the same FQHC for the same scope of work for school-based health center services as of July 1, 2018.

If an LPHA cannot provide the 75-day notice, because of the need for an emergency procurement or other reasons outside of its control, the LPHA shall provide notice as soon as possible before or after contract execution. OAR 333-014-0570(5).

OAR 333-014-0570(3) states that OHA has the right to request a copy of any subcontract between an LPHA and a contractor that is pursuant to a contract or agreement between an LPHA and OHA. Thus, copies of the subcontracts to which this guidance applies may be requested during the triennial review or at another time deemed necessary by OHA.

If an LPHA has questions about whether the notification provision applies in a specific situation, please contact Danna Drum at (503) 957-8869 or danna.k.drum@state.or.us.

To submit written notification 75 days in advance of a contract being executed, a letter stating the services and/or activities the contractor will perform, the name of the contractor (if available), and the anticipated effective date of the contract must be submitted to:

Danna Drum, Strategic Partnerships Lead
danna.k.drum@state.or.us
(503) 957-8869

If the name of the contractor is not available at the time of notification, please submit the name of the contractor to Danna Drum as soon as the information becomes available.

Please note that any specific contractual requirements related to contracting for services outlined in agreements between the LPHA and OHA also apply. Please review the specific agreement for any additional applicable information.