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**SUBSTITUTE SENATE BILL 5253**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley, Moyer, Hargrove and C. Anderson; by request of Department of Health)

Read first time 02/09/95.

1 AN ACT Relating to implementation of the public health improvement  
2 plan; amending RCW 41.05.240, 70.05.030, 70.05.035, 70.05.050,  
3 70.46.020, and 43.72.902; adding new sections to chapter 43.70 RCW;  
4 adding a new section to chapter 70.05 RCW; creating a new section;  
5 recodifying RCW 41.05.240; providing an effective date; and declaring  
6 an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature declares its intent to  
9 implement the recommendations of the public health improvement plan by  
10 initiating a program to provide the public health system with the  
11 necessary capacity to improve the health outcomes of the population of  
12 Washington state and establishing the methodology by which improvement  
13 in the health outcomes and delivery of public health activities will be  
14 assessed.

15 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
16 otherwise, the definitions in this section apply throughout sections 1  
17 through 3 of this act.

1 (1) "Capacity" means actions that public health jurisdictions must  
2 do as part of ongoing daily operations to adequately protect and  
3 promote health and prevent disease, injury, and premature death. The  
4 public health improvement plan identifies capacity necessary for  
5 assessment, policy development, administration, prevention, including  
6 promotion and protection, and access and quality.

7 (2) "Department" means the department of health.

8 (3) "Local health jurisdiction" means the local health agency,  
9 either county or multicounty, operated by local government, with  
10 oversight and direction from a local board of health, that provides  
11 public health services throughout a defined geographic area.

12 (4) "Health outcomes" means long-term objectives that define  
13 optimal, measurable, future levels of health status, maximum acceptable  
14 levels of disease, injury, or dysfunction, or prevalence of risk  
15 factors in areas such as improving the rate of immunizations for  
16 infants and children to ninety percent and controlling and reducing the  
17 spread of tuberculosis and that are stated in the public health  
18 improvement plan.

19 (5) "Public health improvement plan," also known as the public  
20 health services improvement plan, means the public health services  
21 improvement plan established under RCW 43.70.520, developed by the  
22 department, in consultation with local health departments and  
23 districts, the state board of health, the health services commission,  
24 area Indian health services, and other state agencies, health services  
25 providers, and residents concerned about public health, to provide a  
26 detailed accounting of deficits in the core functions of assessment,  
27 policy development, and assurance of the current public health system,  
28 how additional public health funding would be used, and to describe the  
29 benefits expected from expanded expenditures.

30 (6) "Public health" means activities that society does collectively  
31 to assure the conditions in which people can be healthy. This includes  
32 organized community efforts to prevent, identify, preempt, and counter  
33 threats to the public's health.

34 (7) "Public health system" means the department, the state board of  
35 health, and local health jurisdictions.

36 NEW SECTION. **Sec. 3.** The primary responsibility of the public  
37 health system, is to take those actions necessary to protect, promote,

1 and improve the health of the population. In order to accomplish this,  
2 the department shall:

3 (1) Identify, as part of the public health improvement plan, the  
4 key health outcomes sought for the population and the capacity needed  
5 by the public health system to fulfill its responsibilities in  
6 improving health outcomes.

7 (2)(a) Distribute state funds that, in conjunction with local  
8 revenues, are intended to improve the capacity of the public health  
9 system. The distribution methodology shall encourage system-wide  
10 effectiveness and efficiency and provide local health jurisdictions  
11 with the flexibility both to determine governance structures and  
12 address their unique needs.

13 (b) Enter into with each local health jurisdiction performance-  
14 based contracts that establish clear measures of the degree to which  
15 the local health jurisdiction is attaining the capacity necessary to  
16 improve health outcomes. The contracts negotiated between the local  
17 health jurisdictions and the department of health must identify the  
18 specific measurable progress that local health jurisdictions will make  
19 toward achieving health outcomes. A community assessment conducted by  
20 the local health jurisdiction according to the public health  
21 improvement plan, which shall include the results of the comprehensive  
22 plan prepared according to RCW 70.190.130, will be used as the basis  
23 for identifying the health outcomes. The contracts shall include  
24 provisions to encourage collaboration among local health jurisdictions.  
25 State funds shall be used solely to expand and complement, but not to  
26 supplant city and county government support for public health programs.

27 (3) Develop criteria to assess the degree to which capacity is  
28 being achieved and ensure compliance by public health jurisdictions.

29 (4) Adopt rules necessary to carry out the purposes of chapter  
30 . . . , Laws of 1995 (this act).

31 (5) Biennially, within the public health improvement plan, evaluate  
32 the effectiveness of the public health system, assess the degree to  
33 which the public health system is attaining the capacity to improve the  
34 status of the public's health, and report progress made by each local  
35 health jurisdiction toward improving health outcomes.

36 **Sec. 4.** RCW 41.05.240 and 1993 c 492 s 468 are each amended to  
37 read as follows:

1 Consistent with funds appropriated specifically for this purpose,  
2 the ((authority)) department shall establish in conjunction with the  
3 area Indian health services system and providers an advisory group  
4 comprised of Indian and non-Indian health care facilities and providers  
5 to formulate an American Indian health care delivery plan. The plan  
6 shall include:

7 (1) Recommendations to providers and facilities methods for  
8 coordinating and joint venturing with the Indian health services for  
9 service delivery;

10 (2) Methods to improve American Indian-specific health programming;  
11 and

12 (3) Creation of co-funding recommendations and opportunities for  
13 the unmet health services programming needs of American Indians.

14 NEW SECTION. **Sec. 5.** RCW 41.05.240 shall be recodified as a new  
15 section in chapter 43.70 RCW.

16 **Sec. 6.** RCW 70.05.030 and 1993 c 492 s 235 are each amended to  
17 read as follows:

18 In counties without a home rule charter, the board of county  
19 commissioners shall constitute the local board of health, unless the  
20 county is part of a health district pursuant to chapter 70.46 RCW. The  
21 jurisdiction of the local board of health shall be coextensive with the  
22 boundaries of said county. The board of county commissioners may, at  
23 its discretion, adopt an ordinance expanding the size and composition  
24 of the board of health to include persons other than elected officials  
25 as members, however, the total number of such persons on a local board  
26 of health must be less than the total number of elected officials. An  
27 ordinance adopted under this section shall include provisions for the  
28 appointment, term, and compensation, or reimbursement of expenses, if  
29 any, for such persons.

30 **Sec. 7.** RCW 70.05.035 and 1993 c 492 s 237 are each amended to  
31 read as follows:

32 In counties with a home rule charter, the county legislative  
33 authority shall establish a local board of health and may prescribe the  
34 membership and selection process for the board. The county legislative  
35 authority may appoint to the board of health persons other than elected  
36 officials as members, however, the total number of such persons on a

1 local board of health must be less than the total number of elected  
2 officials. The county legislative authority shall specify the  
3 appointment, term, and compensation or reimbursement of expenses, if  
4 any, for such persons. The jurisdiction of the local board of health  
5 shall be coextensive with the boundaries of the county. The local  
6 health officer, as described in RCW 70.05.050, shall be appointed by  
7 the official designated under the provisions of the county charter.  
8 The same official designated under the provisions of the county charter  
9 may appoint an administrative officer, as described in RCW 70.05.045.

10 **Sec. 8.** RCW 70.05.050 and 1993 c 492 s 238 are each amended to  
11 read as follows:

12 The local health officer shall be an experienced physician licensed  
13 to practice medicine and surgery or osteopathy and surgery in this  
14 state and who is qualified or provisionally qualified in accordance  
15 with the standards prescribed in RCW 70.05.051 through 70.05.055 to  
16 hold the office of local health officer. No term of office shall be  
17 established for the local health officer but the local health officer  
18 shall not be removed until after notice is given, and an opportunity  
19 for a hearing before the board or official responsible for his or her  
20 appointment under this section as to the reason for his or her removal.  
21 The local health officer shall act as executive secretary to, and  
22 administrative officer for the local board of health and shall also be  
23 empowered to employ such technical and other personnel as approved by  
24 the local board of health except where the local board of health has  
25 appointed an administrative officer under RCW 70.05.040. The local  
26 health officer shall be paid such salary and allowed such expenses as  
27 shall be determined by the local board of health. In home rule  
28 counties that are part of a health district under this chapter and  
29 chapter 70.46 RCW the local health officer and administrative officer  
30 shall be appointed by the local board of health.

31 **Sec. 9.** RCW 70.46.020 and 1993 c 492 s 247 are each amended to  
32 read as follows:

33 Health districts consisting of two or more counties may be created  
34 whenever two or more boards of county commissioners shall by resolution  
35 establish a district for such purpose. Such a district shall consist  
36 of all the area of the combined counties. The district board of health  
37 of such a district shall consist of not less than five members for

1 districts of two counties and seven members for districts of more than  
2 two counties, including two representatives from each county who are  
3 members of the board of county commissioners and who are appointed by  
4 the board of county commissioners of each county within the district,  
5 and shall have a jurisdiction coextensive with the combined boundaries.  
6 The boards of county commissioners may by resolution provide for  
7 persons other than elected officials as members of the district board  
8 of health, however, the total number of such persons on a local board  
9 of health must be less than the total number of county commissioners.  
10 A resolution adopted under this section must specify the provisions for  
11 the appointment, term, and compensation, or reimbursement of expenses,  
12 if any, for such persons.

13 At the first meeting of a district board of health the members  
14 shall elect a chair to serve for a period of one year.

15 NEW SECTION. Sec. 10. A new section is added to chapter 70.05 RCW  
16 to read as follows:

17 A health district consisting of one county may be created whenever  
18 the county legislative authority of the county shall pass a resolution  
19 or ordinance to organize such a health district under this chapter and  
20 chapter 70.46 RCW. The resolution or ordinance may specify the  
21 membership, representation on the district health board, financial  
22 contributions of members, or other matters relative to the formation or  
23 operation of the health district. The county legislative authority may  
24 appoint persons other than elected officials as members of the health  
25 district board. However, the total number of such persons on the  
26 health district board must be fewer than the total number of elected  
27 officials. The county legislative authority shall specify the  
28 appointment, term, and compensation reimbursement of expenses, if any,  
29 for such persons.

30 **Sec. 11.** RCW 43.72.902 and 1993 c 492 s 470 are each amended to  
31 read as follows:

32 The public health services account is created in the state  
33 treasury. Moneys in the account may be spent only after appropriation.  
34 Moneys in the account may be expended only for maintaining and  
35 improving the health of Washington residents through the public health  
36 system. For purposes of this section, the public health system shall  
37 consist of the state board of health, the state department of health,

1 and local health departments and districts. ((Funds appropriated from  
2 this account to local health departments and districts shall be  
3 distributed ratably based on county population as last determined by  
4 the office of financial management.))

5 NEW SECTION. **Sec. 12.** The legislature intends that the changes in  
6 public health financing and governance which will occur on July 1,  
7 1995, operate to simplify governance, focus accountability for public  
8 health policy, and improve the quality and availability of public  
9 health services. The legislature finds no requirement that existing  
10 voluntary contributions by cities to local public health jurisdictions  
11 be reduced as part of these changes, and does not intend that any such  
12 reductions occur. If a local public health jurisdiction identifies  
13 reductions in voluntary contributions from cities within its  
14 jurisdiction which have been made as a response to the changes in state  
15 law governing financing and governance of local public health, that  
16 jurisdiction may apply for financial relief from the state department  
17 of health.

18 The state department of health may provide such financial relief  
19 from any funds which may be specifically appropriated for this purpose  
20 and so identified in the state biennial appropriations act. This  
21 financial relief may consist of amounts up to one hundred percent of  
22 the funds the state department of health finds have been lost as a  
23 result of a reduction in city contributions to the local public health  
24 jurisdiction.

25 NEW SECTION. **Sec. 13.** Sections 1 through 3 of this act are each  
26 added to chapter 43.70 RCW.

27 NEW SECTION. **Sec. 14.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 15.** This act is necessary for the immediate  
32 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take  
2 effect July 1, 1995.

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