

2 SSB 5253 - S AMD 094  
3 By Senators Quigley and Hale

4 ADOPTED 3/10/95

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

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

28 (4) "Health outcomes" means long-term objectives that define  
29 optimal, measurable, future levels of health status, maximum acceptable  
30 levels of disease, injury, or dysfunction, or prevalence of risk  
31 factors in areas such as improving the rate of immunizations for  
32 infants and children to ninety percent and controlling and reducing the  
33 spread of tuberculosis and that are stated in the public health  
34 improvement plan.

35 (5) "Public health improvement plan," also known as the public

1 health services improvement plan, means the public health services  
2 improvement plan established under RCW 43.70.520, developed by the  
3 department, in consultation with local health departments and  
4 districts, the state board of health, the health services commission,  
5 area Indian health services, and other state agencies, health services  
6 providers, and residents concerned about public health, to provide a  
7 detailed accounting of deficits in the core functions of assessment,  
8 policy development, and assurance of the current public health system,  
9 how additional public health funding would be used, and to describe the  
10 benefits expected from expanded expenditures.

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

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

17 NEW SECTION. **Sec. 3.** The primary responsibility of the public  
18 health system, is to take those actions necessary to protect, promote,  
19 and improve the health of the population. In order to accomplish this,  
20 the department shall:

21 (1) Identify, as part of the public health improvement plan, the  
22 key health outcomes sought for the population and the capacity needed  
23 by the public health system to fulfill its responsibilities in  
24 improving health outcomes.

25 (2)(a) Distribute state funds that, in conjunction with local  
26 revenues, are intended to improve the capacity of the public health  
27 system. The distribution methodology shall encourage system-wide  
28 effectiveness and efficiency and provide local health jurisdictions  
29 with the flexibility both to determine governance structures and  
30 address their unique needs.

31 (b) Enter into with each local health jurisdiction performance-  
32 based contracts that establish clear measures of the degree to which  
33 the local health jurisdiction is attaining the capacity necessary to  
34 improve health outcomes. The contracts negotiated between the local  
35 health jurisdictions and the department of health must identify the  
36 specific measurable progress that local health jurisdictions will make  
37 toward achieving health outcomes. A community assessment conducted by  
38 the local health jurisdiction according to the public health

1 improvement plan, which shall include the results of the comprehensive  
2 plan prepared according to RCW 70.190.130, will be used as the basis  
3 for identifying the health outcomes. The contracts shall include  
4 provisions to encourage collaboration among local health jurisdictions.  
5 State funds shall be used solely to expand and complement, but not to  
6 supplant city and county government support for public health programs.

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

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

11 (5) Biennially, within the public health improvement plan, evaluate  
12 the effectiveness of the public health system, assess the degree to  
13 which the public health system is attaining the capacity to improve the  
14 status of the public's health, and report progress made by each local  
15 health jurisdiction toward improving health outcomes.

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

18 Consistent with funds appropriated specifically for this purpose,  
19 the ((authority)) department shall establish in conjunction with the  
20 area Indian health services system and providers an advisory group  
21 comprised of Indian and non-Indian health care facilities and providers  
22 to formulate an American Indian health care delivery plan. The plan  
23 shall include:

24 (1) Recommendations to providers and facilities methods for  
25 coordinating and joint venturing with the Indian health services for  
26 service delivery;

27 (2) Methods to improve American Indian-specific health programming;  
28 and

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

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

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

35 In counties without a home rule charter, the board of county  
36 commissioners shall constitute the local board of health, unless the

1 county is part of a health district pursuant to chapter 70.46 RCW. The  
2 jurisdiction of the local board of health shall be coextensive with the  
3 boundaries of said county. The board of county commissioners may, at  
4 its discretion, adopt an ordinance expanding the size and composition  
5 of the board of health to include elected officials from cities and  
6 towns and persons other than elected officials as members so long as  
7 persons other than elected officials do not constitute a majority. An  
8 ordinance adopted under this section shall include provisions for the  
9 appointment, term, and compensation, or reimbursement of expenses.

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

12 In counties with a home rule charter, the county legislative  
13 authority shall establish a local board of health and may prescribe the  
14 membership and selection process for the board. The county legislative  
15 authority may appoint to the board of health elected officials from  
16 cities and towns and persons other than elected officials as members so  
17 long as persons other than elected officials do not constitute a  
18 majority. The county legislative authority shall specify the  
19 appointment, term, and compensation or reimbursement of expenses. The  
20 jurisdiction of the local board of health shall be coextensive with the  
21 boundaries of the county. The local health officer, as described in  
22 RCW 70.05.050, shall be appointed by the official designated under the  
23 provisions of the county charter. The same official designated under  
24 the provisions of the county charter may appoint an administrative  
25 officer, as described in RCW 70.05.045.

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

28 The local health officer shall be an experienced physician licensed  
29 to practice medicine and surgery or osteopathy and surgery in this  
30 state and who is qualified or provisionally qualified in accordance  
31 with the standards prescribed in RCW 70.05.051 through 70.05.055 to  
32 hold the office of local health officer. No term of office shall be  
33 established for the local health officer but the local health officer  
34 shall not be removed until after notice is given, and an opportunity  
35 for a hearing before the board or official responsible for his or her  
36 appointment under this section as to the reason for his or her removal.  
37 The local health officer shall act as executive secretary to, and

1 administrative officer for the local board of health and shall also be  
2 empowered to employ such technical and other personnel as approved by  
3 the local board of health except where the local board of health has  
4 appointed an administrative officer under RCW 70.05.040. The local  
5 health officer shall be paid such salary and allowed such expenses as  
6 shall be determined by the local board of health. In home rule  
7 counties that are part of a health district under this chapter and  
8 chapter 70.46 RCW the local health officer and administrative officer  
9 shall be appointed by the local board of health.

10 **Sec. 9.** RCW 70.08.040 and 1985 c 124 s 4 are each amended to read  
11 as follows:

12 Notwithstanding any provisions to the contrary contained in any  
13 city or county charter, where a combined department is established  
14 under this chapter, the director of public health under this chapter  
15 shall be appointed by the county executive of the county and the mayor  
16 of the city (~~for a term of four years and until a successor is~~  
17 ~~appointed and confirmed. The director of public health may be~~  
18 ~~reappointed by the county executive of the county and the mayor of the~~  
19 ~~city for additional four year terms)). The appointment shall be  
20 effective only upon a majority vote confirmation of the legislative  
21 authority of the county and the legislative authority of the city. The  
22 director may be removed by the county executive of the county, after  
23 consultation with the mayor of the city, upon filing a statement of  
24 reasons therefor with the legislative authorities of the county and the  
25 city.~~

26 **Sec. 10.** RCW 70.46.020 and 1993 c 492 s 247 are each amended to  
27 read as follows:

28 Health districts consisting of two or more counties may be created  
29 whenever two or more boards of county commissioners shall by resolution  
30 establish a district for such purpose. Such a district shall consist  
31 of all the area of the combined counties. The district board of health  
32 of such a district shall consist of not less than five members for  
33 districts of two counties and seven members for districts of more than  
34 two counties, including two representatives from each county who are  
35 members of the board of county commissioners and who are appointed by  
36 the board of county commissioners of each county within the district,  
37 and shall have a jurisdiction coextensive with the combined boundaries.

1 The boards of county commissioners may by resolution or ordinance  
2 provide for elected officials from cities and towns and persons other  
3 than elected officials as members of the district board of health so  
4 long as persons other than elected officials do not constitute a  
5 majority. A resolution or ordinance adopted under this section must  
6 specify the provisions for the appointment, term, and compensation, or  
7 reimbursement of expenses. Any multicounty health district existing on  
8 the effective date of this act shall continue in existence unless and  
9 until changed by affirmative action of all boards of county  
10 commissioners or one or more counties withdraws pursuant to RCW  
11 70.46.090.

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

14 NEW SECTION. Sec. 11. A new section is added to chapter 70.46 RCW  
15 to read as follows:

16 A health district to consist of one county may be created whenever  
17 the county legislative authority of the county shall pass a resolution  
18 or ordinance to organize such a health district under chapter 70.05 RCW  
19 and this chapter.

20 The resolution or ordinance may specify the membership,  
21 representation on the district health board, or other matters relative  
22 to the formation or operation of the health district. The county  
23 legislative authority may appoint elected officials from cities and  
24 towns and persons other than elected officials as members of the health  
25 district board so long as persons other than elected officials do not  
26 constitute a majority.

27 Any single county health district existing on the effective date of  
28 this act shall continue in existence unless and until changed by  
29 affirmative action of the county legislative authority.

30 **Sec. 12.** 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. 13.** Sections 1 through 3 of this act are each  
6 added to chapter 43.70 RCW.

7 NEW SECTION. **Sec. 14.** If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

11 **Sec. 15.** RCW 43.72.915 and 1993 sp.s. c 25 s 603 are each amended  
12 to read as follows:

13 This act is necessary for the immediate preservation of the public  
14 peace, health, or safety, or support of the state government and its  
15 existing public institutions, and shall take effect July 1, 1993,  
16 except for:

17 (1) Sections 234 through 243, 245 through 254, and 257 of this act,  
18 which shall take effect ((July 1, 1995)) January 1, 1996 or January 1,  
19 1998, if funding is not provided as set forth in section 17(4) of this  
20 act; and

21 (2) Sections 301 through 303 of this act, which shall take effect  
22 January 1, 1994.

23 NEW SECTION. **Sec. 16.** The following acts or parts of acts are  
24 each repealed, effective June 30, 1995:

25 (1) 1993 c 492 s 244;

26 (2) 1993 c 492 s 256 (uncodified); and

27 (3) 1993 c 492 s 255.

28 NEW SECTION. **Sec. 17.** (1) Sections 15 and 16 of this act are  
29 necessary for the immediate preservation of the public peace, health,  
30 or safety, or support of the state government and its existing public  
31 institutions, and shall take effect June 30, 1995.

32 (2) Sections 1 through 5, 12, and 13 of this act are necessary for  
33 the immediate preservation of the public peace, health, or safety, or  
34 support of the state government and its existing public institutions,

1 and shall take effect July 1, 1995.

2 (3) Section 9 of this act is necessary for the immediate  
3 preservation of the public peace, health, or safety, or support of the  
4 state government and its existing public institutions, and shall take  
5 effect immediately.

6 (4) Sections 6 through 8, 10, and 11 of this act take effect  
7 January 1, 1996, if funding of at least two million two hundred fifty  
8 thousand dollars, is provided by June 30, 1995, in the 1995 omnibus  
9 appropriations act or as a result of the passage of Senate Bill No.  
10 6058, to implement the changes in public health governance as outlined  
11 in this act. If such funding is not provided, sections 6 through 8,  
12 10, and 11 of this act shall take effect January 1, 1998."

13 **SSB 5253** - S AMD

14 By Senators Quigley and Hale

15 ADOPTED 3/10/95

16 On page 1, line 2 of the title, after "plan;" strike the remainder  
17 of the title and insert "amending RCW 41.05.240, 70.05.030, 70.05.035,  
18 70.05.050, 70.08.040, 70.46.020, 43.72.902, and 43.72.915; adding a new  
19 section to chapter 70.46 RCW; adding new sections to chapter 43.70 RCW;  
20 recodifying RCW 41.05.240; repealing 1993 c 492 s 244; repealing 1993  
21 c 492 s 255; repealing 1993 c 492 s 256 (uncodified); providing  
22 effective dates; and declaring an emergency."

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