

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 433\*  
Health Care Committee Substitute Adopted 4/6/11  
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PROPOSED HOUSE COMMITTEE SUBSTITUTE S433-PCS35386-SQ-86

Short Title: Local Human Services Administration.

(Public)

Sponsors:

Referred to:

March 29, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE  
3 ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL  
4 PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH  
5 IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF  
6 THE TEN ESSENTIAL PUBLIC HEALTH SERVICES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 153A-77 reads as rewritten:

9 "§ 153A-77. Authority of boards of commissioners in certain counties over commissions,  
10 boards, agencies, etc.

11 (a) In the exercise of its jurisdiction over commissions, boards and agencies, the board  
12 of county commissioners may assume direct control of any activities theretofore conducted by  
13 or through any commission, board or agency by the adoption of a resolution assuming and  
14 conferring upon the board of county commissioners all powers, responsibilities and duties of  
15 any such commission, board or agency. This ~~subsection~~ section shall apply to the board of  
16 health, the social services board, area mental health, developmental disabilities, and substance  
17 abuse area board ~~and~~ or any other commission, board or agency appointed by the board of  
18 county commissioners or acting under and pursuant to authority of the board of county  
19 commissioners of said ~~county~~ county, except as provided in G.S. 153A-76. A board of county  
20 commissioners exercising the power and authority under this subsection may, notwithstanding  
21 G.S. 130A-25, enforce public health rules adopted by the board through the imposition of civil  
22 penalties. If a public health rule adopted by a board of county commissioners imposes a civil  
23 penalty, the provisions of G.S. 130A-25 making its violation a misdemeanor shall not be  
24 applicable to that public health rule unless the rule states that a violation of the rule is a  
25 misdemeanor. The board of county commissioners may exercise the power and authority herein  
26 conferred only after a public hearing held by said board pursuant to 30 days' notice of said  
27 public hearing given in a newspaper having general circulation in said county.

28 The board of county commissioners may also appoint advisory boards, committees,  
29 councils and agencies composed of qualified and interested county residents to study, interpret  
30 and develop community support and cooperation in activities conducted by or under the  
31 authority of the board of county commissioners of said county.



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1 A board of county commissioners that has assumed direct control of a local health board  
2 and that does not delegate the powers and duties of that board to a consolidated health service  
3 board shall appoint an advisory committee consistent with the membership described in  
4 G.S. 130A-35.

5 (b) In the exercise of its jurisdiction over commissions, boards, and agencies, the board  
6 of county commissioners of a county having a county manager pursuant to G.S. 153A-81 may:

- 7 (1) Consolidate ~~the provision~~ certain provisions of human services in the county  
8 under the direct control of a human services director appointed and  
9 supervised by the county manager in accordance with subsection (e) of this  
10 section;
- 11 (2) Create a consolidated human services board having the powers conferred by  
12 subsection (c) of this section;
- 13 (3) Create a consolidated county human services agency having the authority to  
14 carry out the functions of any combination of commissions, boards, or  
15 agencies appointed by the board of county commissioners or acting under  
16 and pursuant to authority of the board of county commissioners including  
17 the local health department, the county department of social services, ~~and~~  
18 the area mental health, developmental disabilities, and substance abuse  
19 services authority; and
- 20 (4) Assign other county human services functions to be performed by the  
21 consolidated human services agency under the direction of the human  
22 services director, with policy-making authority granted to the consolidated  
23 human services board as determined by the board of county commissioners.

24 (c) A consolidated human services board appointed by the board of county  
25 commissioners shall serve as the policy-making, rule-making, and administrative board of the  
26 consolidated human services agency. The consolidated human services board shall be  
27 composed of no more than 25 members. The composition of the board shall reasonably reflect  
28 the population makeup of the county and shall include:

- 29 (1) Eight persons who are consumers of human services, public advocates, or  
30 family members of clients of the consolidated human services agency,  
31 including: one person with mental illness, one person with a developmental  
32 disability, one person in recovery from substance abuse, one family member  
33 of a person with mental illness, one family member of a person with a  
34 developmental disability, one family member of a person with a substance  
35 abuse problem, and two consumers of other human services.
- 36 (1a) Notwithstanding subdivision (1) of this subsection, a consolidated human  
37 service board not exercising powers and duties of an area mental health,  
38 developmental disabilities, and substance abuse services board shall include  
39 four persons who are consumers of human services.
- 40 (2) Eight persons who are professionals, each with qualifications in one of these  
41 categories: one psychologist, one pharmacist, one engineer, one dentist, one  
42 optometrist, one veterinarian, one social worker, and one registered nurse.
- 43 (3) Two physicians licensed to practice medicine in this State, one of whom  
44 shall be a psychiatrist.
- 45 (4) One member of the board of county commissioners.
- 46 (5) Other persons, including members of the general public representing various  
47 occupations.

48 The board of county commissioners may elect to appoint a member of the consolidated  
49 human services board to fill concurrently more than one category of membership if the member  
50 has the qualifications or attributes of more than one category of membership.

1 All members of the consolidated human services board shall be residents of the county. The  
2 members of the board shall serve four-year terms. No member may serve more than two  
3 consecutive four-year terms. The county commissioner member shall serve only as long as the  
4 member is a county commissioner.

5 The initial board shall be appointed by the board of county commissioners upon the  
6 recommendation of a nominating committee comprised of members of the preconsolidation  
7 board of health, social services board, and area mental health, developmental disabilities, and  
8 substance abuse services board. In order to establish a uniform staggered term structure for the  
9 board, a member may be appointed for less than a four-year term. After the subsequent  
10 establishment of the board, its board shall be appointed by the board of county commissioners  
11 from nominees presented by the human services board. Vacancies shall be filled for any  
12 unexpired portion of a term.

13 A chairperson shall be elected annually by the members of the consolidated human services  
14 board. A majority of the members shall constitute a quorum. A member may be removed from  
15 office by the county board of commissioners for (i) commission of a felony or other crime  
16 involving moral turpitude; (ii) violation of a State law governing conflict of interest; (iii)  
17 violation of a written policy adopted by the county board of commissioners; (iv) habitual  
18 failure to attend meetings; (v) conduct that tends to bring the office into disrepute; or (vi)  
19 failure to maintain qualifications for appointment required under this subsection. A board  
20 member may be removed only after the member has been given written notice of the basis for  
21 removal and has had the opportunity to respond.

22 A member may receive a per diem in an amount established by the county board of  
23 commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy  
24 set by the county board of commissioners. The board shall meet at least quarterly. The  
25 chairperson or three of the members may call a special meeting.

26 (d) The consolidated human services board shall have authority to:

- 27 (1) Set fees for departmental services based upon recommendations of the  
28 human services director. Fees set under this subdivision are subject to the  
29 same restrictions on amount and scope that would apply if the fees were set  
30 by a county board of health, a county board of social services, or a mental  
31 health, developmental disabilities, and substance abuse area authority.
- 32 (2) Assure compliance with laws related to State and federal programs.
- 33 (3) Recommend creation of local human services programs.
- 34 (4) Adopt local health regulations and participate in enforcement appeals of  
35 local regulations.
- 36 (5) Perform regulatory health functions required by State law.
- 37 (6) Act as coordinator or agent of the State to the extent required by State or  
38 federal law.
- 39 (7) Plan and recommend a consolidated human services budget.
- 40 (8) Conduct audits and reviews of human services programs, including quality  
41 assurance activities, as required by State and federal law or as may otherwise  
42 be necessary periodically.
- 43 (9) Advise local officials through the county manager.
- 44 (10) Perform public relations and advocacy functions.
- 45 (11) Protect the public health to the extent required by law.
- 46 (12) Perform comprehensive mental health services ~~planning~~ planning if the  
47 county is exercising the powers and duties of an area mental health,  
48 developmental disabilities, and substance abuse services board under the  
49 consolidated human services board.

- 1 (13) Develop dispute resolution procedures for human services contractors and  
2 clients and public advocates, subject to applicable State and federal dispute  
3 resolution procedures for human services programs, when applicable.

4 Except as otherwise provided, the consolidated human services board shall have the powers  
5 and duties conferred by law upon a board of health, a social services board, and an area mental  
6 health, developmental disabilities, and substance abuse services board.

7 Local employees who serve as staff of a consolidated county human services agency are  
8 subject to county personnel policies and ordinances only and are not subject to the provisions  
9 of the State Personnel ~~Act.~~ Act, unless the county board of commissioners elects to subject the  
10 local employees to the provisions of that Act. All consolidated county human services agencies  
11 shall comply with all applicable federal laws, rules, and regulations requiring the establishment  
12 of merit personnel systems.

13 (e) The human services director of a consolidated county human services agency shall  
14 be appointed and dismissed by the county manager with the advice and consent of the  
15 consolidated human services board. The human services director shall report directly to the  
16 county manager. The human services director shall:

- 17 (1) Appoint staff of the consolidated human services agency with the county  
18 manager's approval.  
19 (2) Administer State human services programs.  
20 (3) Administer human services programs of the local board of county  
21 commissioners.  
22 (4) Act as secretary and staff to the consolidated human services board under the  
23 direction of the county manager.  
24 (5) Plan the budget of the consolidated human services agency.  
25 (6) Advise the board of county commissioners through the county manager.  
26 (7) Perform regulatory functions of investigation and enforcement of State and  
27 local health regulations, as required by State law.  
28 (8) Act as an agent of and liaison to the State, to the extent required by law.

29 Except as otherwise provided by law, the human services director or the director's designee  
30 shall have the same powers and duties as a social services director, a local health director,  
31 ~~and~~ a director of an area mental health, developmental disabilities, and substance abuse  
32 services authority.

33 ~~(f) This section applies to counties with a population in excess of 425,000."~~

34 **SECTION 2.** G.S. 153A-76 reads as rewritten:

35 **"§ 153A-76. Board of commissioners to organize county government.**

36 The board of commissioners may create, change, abolish, and consolidate offices, positions,  
37 departments, boards, commissions, and agencies of the county government, may impose ex  
38 officio the duties of more than one office on a single officer, may change the composition and  
39 manner of selection of boards, commissions, and agencies, and may generally organize and  
40 reorganize the county government in order to promote orderly and efficient administration of  
41 county affairs, subject to the following limitations:

- 42 (1) The board may not abolish an office, position, department, board,  
43 commission, or agency established or required by law.  
44 (2) The board may not combine offices or confer certain duties on the same  
45 officer when this action is specifically forbidden by law.  
46 (3) The board may not discontinue or assign elsewhere a function or duty  
47 assigned by law to a particular office, position, department, board,  
48 commission, or agency.  
49 (4) The board may not change the composition or manner of selection of a local  
50 board of education, ~~the board of health, the board of social services,~~ the  
51 board of elections, or the board of alcoholic beverage control.

1           (5)    The board may not abolish nor consolidate into a human service agency a  
2           hospital authority assigned to provide public health services pursuant to  
3           Section 12 of S.L. 1997-502.

4           (6)    A board may not consolidate an area mental health, developmental  
5           disabilities, and substance abuse board into a consolidated human services  
6           board. The board may not abolish an area mental health, developmental  
7           disabilities, and substance abuse board, except as provided in Chapter 122C  
8           of the General Statutes. This subdivision shall not apply to any board that  
9           has exercised the powers and duties of an area mental health, developmental  
10          disabilities, and substance abuse services board as of January 1, 2012.

11          (7)    The board may not abolish, assume control over, or consolidate into a human  
12          services agency a public hospital as defined in G.S. 159-39(a) pursuant to  
13          G.S. 153A-77."

14           **SECTION 3.** Article 2 of Chapter 130A of the General Statutes is amended by  
15 adding the following new sections to read:

16    **"§ 130A-34.3. Incentive program for public health improvement.**

17          (a)    In order to promote efficiency and effectiveness of the public health delivery  
18          system, the Department shall establish a Public Health Improvement Incentive Program. The  
19          Program shall provide monetary incentives for the creation and expansion of multicounty local  
20          health departments serving a population of not less than 75,000.

21          (b)    The Commission shall adopt rules to implement the Public Health Improvement  
22          Incentive Program.

23    **"§ 130A-34.4. Strengthening local public health infrastructure.**

24          (a)    By July 1, 2014, in order for a local health department to be eligible to receive State  
25          and federal public health funding from the Division of Public Health, the following criteria  
26          shall be met:

27               (1)    A local health department shall obtain and maintain accreditation pursuant to  
28               G.S. 130A-34.1.

29               (2)    The county or counties comprising the local health department shall  
30               maintain operating appropriations to local health departments from local ad  
31               valorem tax receipts at levels equal to amounts appropriated in State fiscal  
32               year 2010-2011.

33          (b)    The criteria established in subsection (a) of this section shall be in addition to any  
34          other funding criteria established by State or federal law."

35           **SECTION 4.** G.S. 130A-1.1(b) reads as rewritten:

36          (b)    A local health department shall assure that the following 10 essential public health  
37          services are available and accessible to the population in each county served by the local health  
38          department:

39               (1)    Monitoring health status to identify community health problems.

40               (2)    Diagnosing and investigating health hazards in the community.

41               (3)    Informing, educating, and empowering people about health issues.

42               (4)    Mobilizing community partnerships to identify and solve health problems.

43               (5)    Developing policies and plans that support individual and community health  
44               efforts.

45               (6)    Enforcing laws and regulations that protect health and ensure safety.

46               (7)    Linking people to needed personal health care services and assuring the  
47               provision of health care when otherwise unavailable.

48               (8)    Assuring a competent public health workforce and personal health care  
49               workforce.

50               (9)    Evaluating effectiveness, accessibility, and quality of personal and  
51               population-based health services.

1           (10) Conducting research.

2           ~~As used in this section, the term "essential public health services" means those services that~~  
3 ~~the State shall ensure because they are essential to promoting and contributing to the highest~~  
4 ~~level of health possible for the citizens of North Carolina. The Departments of Environment~~  
5 ~~and Natural Resources and Health and Human Services shall attempt to ensure within the~~  
6 ~~resources available to them that the following essential public health services are available and~~  
7 ~~accessible to all citizens of the State, and shall account for the financing of these services:~~

8           (1) ~~Health Support:~~

- 9           a. ~~Assessment of health status, health needs, and environmental risks to~~  
10 ~~health;~~  
11           b. ~~Patient and community education;~~  
12           e. ~~Public health laboratory;~~  
13           d. ~~Registration of vital events;~~  
14           e. ~~Quality improvement; and~~

15           (2) ~~Environmental Health:~~

- 16           a. ~~Lodging and institutional sanitation;~~  
17           b. ~~On-site domestic sewage disposal;~~  
18           e. ~~Water and food safety and sanitation; and~~

19           (3) ~~Personal Health:~~

- 20           a. ~~Child health;~~  
21           b. ~~Chronic disease control;~~  
22           e. ~~Communicable disease control;~~  
23           d. ~~Dental public health;~~  
24           e. ~~Family planning;~~  
25           f. ~~Health promotion and risk reduction;~~  
26           g. ~~Maternal health; and~~

27           (4) ~~Public Health Preparedness:~~

28           ~~The Commission for Public Health shall determine specific services to be provided under~~  
29 ~~each of the essential public health services categories listed above."~~

30           **SECTION 5.** The Program Evaluation Division of the General Assembly shall  
31 study the feasibility of the transfer of all functions, powers, duties, and obligations vested in the  
32 Division of Public Health in the Department of Health and Human Services to the University of  
33 North Carolina Health Care System and/or the School of Public Health at The University of  
34 North Carolina and submit its findings and recommendations to the Joint Legislative Program  
35 Evaluation Oversight Committee and the Joint Legislative Oversight Committee on Health and  
36 Human Services no later than February 1, 2013.

37           **SECTION 6.** This act is effective when it becomes law.