

# Public Health Officer Role and Authority



**3/25/2014 PRESENTATION TO  
THE BOARD OF SUPERVISORS  
OF  
THE COUNTY OF EL DORADO**

# The Board of Supervisors (BOS)

- The board of supervisors of each county shall take measures as may be necessary **to preserve and protect the public health** in the unincorporated territory of the county, including, if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

*H&S § 101025*



# Content



- **Introduction**

- Health and Board of Supervisors
- Health Officer = The Doctor of a Person versus the Community
  - ✦ 10 Public Health Essential Services ↔ Public Health Accreditation



Monitor health



Diagnose and investigate



Inform educate and empower



Mobilize community partnerships



Develop policies



Enforce laws



Link and provide care



Assure a competent workforce



Evaluate (Performance management)



Research (Evidence-Based practice)



- (Maintain administrative and management capacity)
- (Maintain capacity to engage the public health governing entity)



# Health Officer

Appointed by the BOS  
(H&S §101025)

To provide public  
health leadership for  
the entire community

Inform

Consult on medical  
and public health  
issues

“The health officer shall be a graduate of a medical school of good standing and repute and shall be eligible for a license to practice medicine and surgery in the State of California.”

*H&S § 101005*

The position and powers of the Health Officer derive from statute

*Division 105 of the H&S, starting at §120100)*

# History of Local Health Officer and Public Health



## Historical Evolution

- Most of the statutory authority was established first half of the 20<sup>th</sup> century, when local health departments headed directly by health officers (Curtiss E Weidmer) reported directly to the Board of Supervisor (1981).

## Current Organizations

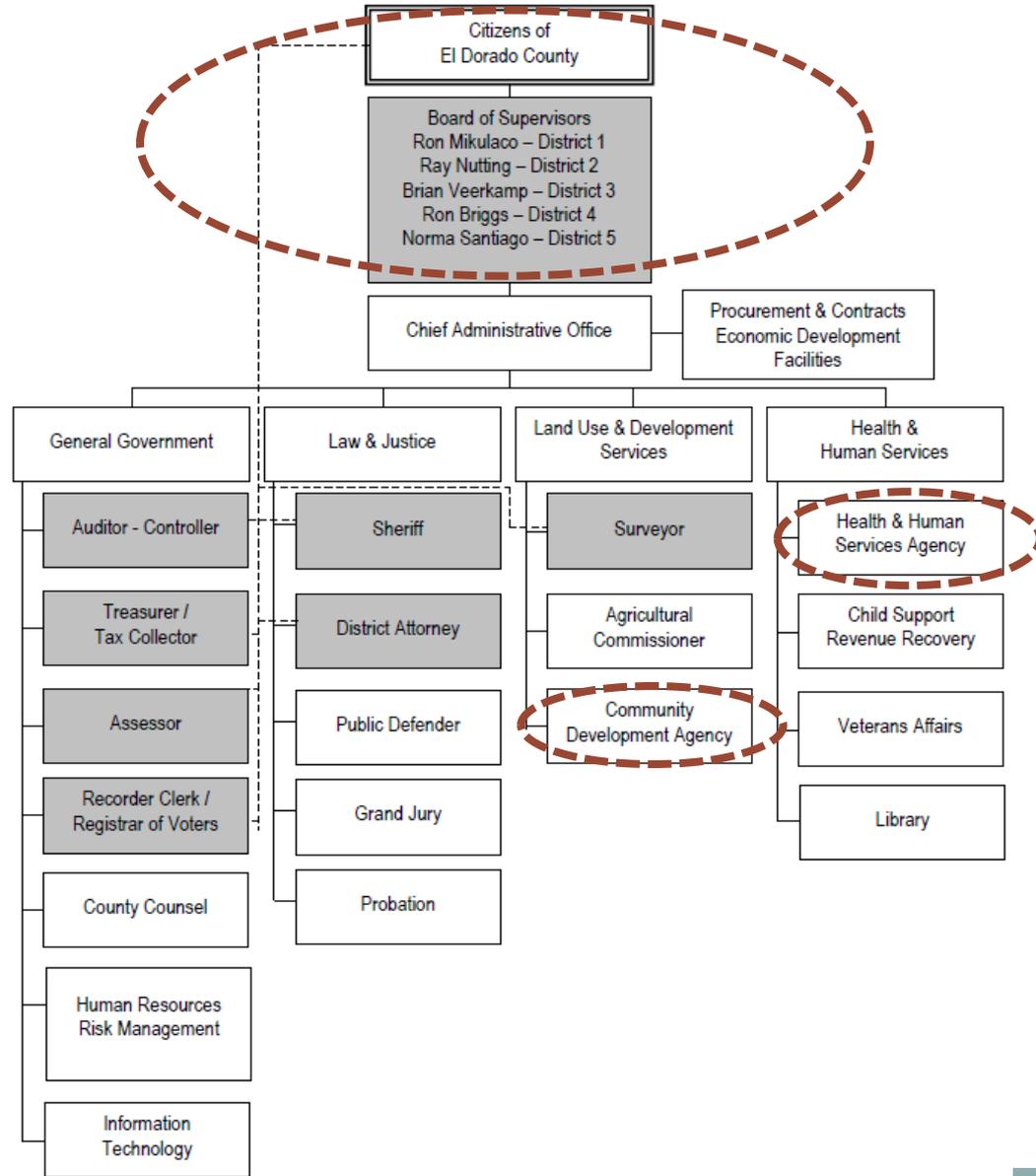
- The range of Health Department concerns and services has grown in scope and complexity.
- In 2012, 70% of the Health Officers are also Directors of Public Health, but 45% reported to a Health and Human Services Director.

# Role of Health Officer

Environmental management- separate from Public health

Public Health is part of the Health and Human Services Agency

Environmental Management is part of the El Dorado Community Development Agency



# Role of the Health Officer



- **Health Officer does not need to be Public Health Director**
- **Organizational structure** should ensure that the health officer has the ability and authority to perform critical community advocacy, protection and public safety functions, and provide public health leadership.
- Health Officer has an **autonomous** role as appointed official under State statutes.
- In order for the health officer to determine priorities and allocate resources for public health problems, - need **high degree of control or direct decision making influence over budget and activities of the local health department**

# Public Health Key Ethical Conflict



## Individual Autonomy

- A central tenet in medical ethics

### Examples:

- Informed consent
- Right to refuse care

### Medical interventions

- Risk to the individual
- Benefit the individual

## Public Health Risk

- Transmission to others by untreated persons with active disease
- Development and spread of multidrug resistant tuberculosis

### Public health interventions

- Risk to one individual
- Benefit to other individuals





# Diagnose and Investigate



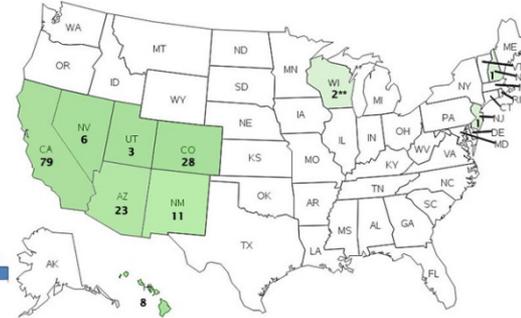
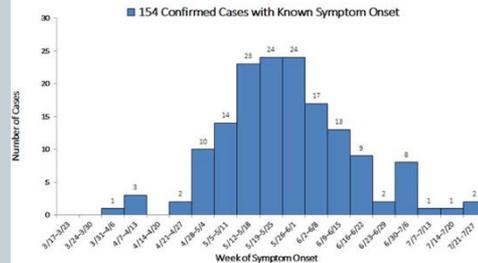
**Your Doctor –  
Illness and Exposures**

**Your Health Officer –  
Health Problems and Hazards**



## Epidemiologic Investigation:

Hepatitis A Virus Infection Associated with Consumption of Frozen Berry and Pomegranate Mix:  
Epidemic Curve by Date of Symptom Onset as of 9/19/2013



\* 2 additional confirmed cases have unknown symptom onset date and are not represented in the epidemic curve  
† 6 confirmed secondary cases are not included in the epidemic curve

pomegranate seeds from Turkey

## Laboratory Investigation:

The major outbreak strain of hepatitis A virus, belonging to genotype 1B, was found in clinical specimens of 117 people in nine states: AZ, CA, CO, HI, NH, NJ, NM, NV, and WI.

# Source of Authority to Investigate



- Many diseases have to be reported by law to the health officer. The primary purpose of the reporting requirements is to alert Health Officers to the presence of disease within their jurisdiction.

*H&S § 120175 ; 17 CCR § 2501*

- Upon receiving a report of communicable disease, Health Officers shall take whatever steps as may be necessary for the investigation and control of spread of the disease, condition or outbreak reported.

*17 CCR § 2501*



# Inform, Educate, and Empower



**Your Doctor –**

**Your Health Officer –**



- Patients, contacts and physicians are educated about specific diseases

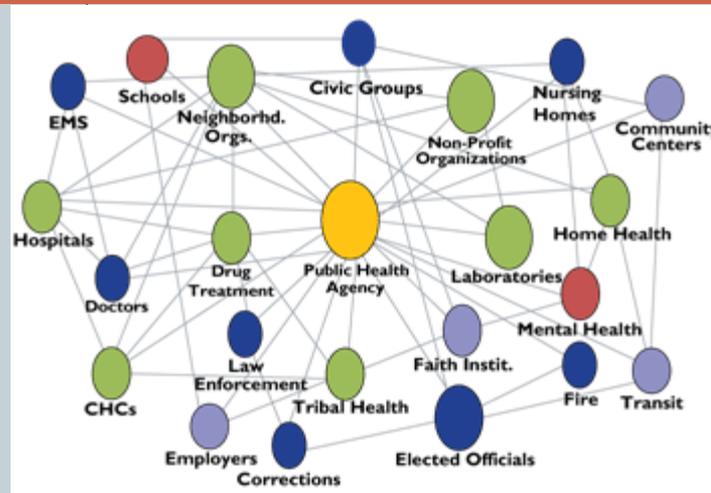


# Mobilize Community Partnerships



Your Doctor –

Your Health Officer –





# Develop Policies and Plans



Primary and expert resource for establishing and maintaining Public Health policies, practices and capacities.

- Conduct a comprehensive planning process resulting in a community health plan
- Develop and implement a Health Department organizational strategic plan
- Maintain a all hazard emergency operations plans





# Enforce Laws and Regulations



## Local Health Officer Power

Only health practitioner authorize to exercise police power to prevent further spread of disease

Ensure effectiveness of mandated health protection functions

Laws require considerable medical expertise for sound interpretation and rational enforcement

- **Duty** to promote health and well-being within the population
- **Authority** to regulate individuals and businesses to achieve communal benefits of health and security
- **Restraint** in the reach of authority

*Police Powers of the Health Officer in California: An overview, Karen Smith. California Conference of Local Health Officers Fall Semiannual 2013 Business Meeting , Sacramento*

# Duty to Protect



## California

- Health Officers must provide: "Communicable disease control, including availability of adequate isolation facilities, and the control of acute communicable diseases..., based upon provision of .... appropriate preventive measures for the particular communicable disease hazards in the community."

*17 C.C.R §1276(c)*

## Health Officer

"Each city health officer shall enforce and observe all of the following:

- a) Orders and ordinances of the governing body of the city pertaining to the public health.
- b) Orders, quarantine and other regulations, concerning the public health, prescribed by the department.
- c) Statutes relating to the public health. "

*H&S §101470*



The police power is the right of the state to take coercive action against individuals for the benefit of society.

*The Role of the Police Power  
in 21st Century Public  
Health*

*EDWARD P. RICHARDS  
III, JD, MPH, AND  
KATHARINE C. RATHBUN,  
MD, MPH*

## Authority - Definition

**police powers n.** from the 10th Amendment to the Constitution, which reserves to the states the rights and powers "not delegated to the United States" which include protection of the welfare, safety, health and even morals of the public. Police powers include licensing, inspection, zoning, safety regulations (which cover a lot of territory), quarantines, and working conditions as well as law enforcement.

*Free Legal Dictionary*

# State/Tribal/Local Authority



- **State authority**
  - States have “police powers” to protect the health, safety, and welfare of persons within their borders
- **Tribal authority**
  - Tribes also have police power authority to take actions that promote the health, safety, and welfare of their own tribal members.
  - Tribal health authorities may enforce their own isolation and quarantine laws within tribal lands, if such laws exist.
- **Local authority**
  - In California, local health authorities implement state law
  - Local authorities may also exist
  - When laws are in conflict: Federal > State > Local

# California Health Officer - Authority



- Health Officers are authorized to control contagious, infectious, or communicable disease and may “take measures as may be necessary” to prevent and control the spread of disease within the territory under their jurisdiction (H&S §120175)
- Health and Safety Code grants broad powers to Health Officers to promote public health or safety
  - “Actions taken under this statutory authority are an exercise of police power.” *Coelho v. Truckell (1935) 9 Cal.App.2d 47*
- Courts
  - “The preservation of the public health is universally conceded to be one of the duties devolving upon the state as a sovereignty, and whatever reasonably tends to preserve the public health is a subject upon which the legislature, within its police power, may take action.” *Patrick v. Riley (1930) 209 Cal. 350, 35*

# California Health Officer - General Authority

- **Potential Actions**
  - Limiting movement of individuals and groups
  - Close/restrict public assemblies or gatherings
  - Require evacuation, examination, inspection, vaccination, decontamination, disinfection, property destruction or commandeering
  - Compel assistance
- **Specific statutes augment general authority**

Examples: isolation for a person with tuberculosis, quarantine for a person exposed to a transmissible disease, work/school exclusion, modified work

**THINK TB  
THINK ISOLATION**

Does your patient have:

- cough for more than 3 weeks?
- abnormal chest x-ray?
- fever/chills?
- night sweats?
- unexplained weight loss?
- hemoptysis (coughing bloody?)
- immunocompromising condition? (e.g. HIV, chronic renal failure)

**Next steps**

- airborne precautions
  - negative pressure room
  - N95 mask (staff)
  - surgical mask (patient)

**It's your call**

- sputum for TB (AFB and culture)?
- chest x-ray?
- TB skin test?
- consultation?

email [targott@toronto.ca](mailto:targott@toronto.ca)

**Protect your patients  
Protect hospital staff  
TB is preventable, treatable and curable!**

416.338.7600 [toronto.ca/health](http://toronto.ca/health) | **TO Toronto Public Health**

*Health Officer Practice Guide for Communicable Disease in California, 2013*

*Police Powers of the Health Officer in California: An overview, Karen Smith. California Conference of Local Health Officers, Fall Semiannual 2013 Business Meeting, Sacramento 11-13*

# California Health Officer - Restraint



- Government cannot deprive a person of life, liberty or property interest, without “due process” of law.
- This requires appropriate justification
- Have reasonable grounds
- Be narrowly tailored
- Fair procedures



# Assure Access to Personal Health Care



## Your Doctor –



- **Provide Care**

- In every sexually transmissible disease case, attending physician shall endeavor to identify patient's sexual or other intimate contacts during disease's communicable stage, and (with patient's cooperation) bring these cases in for examination and, if necessary, treatment

*17 CCR § 2636*

## Your Health Officer –



- **Assure Access to Needed Personal Health Services**

- Local Health Officer investigates every case and takes all available preventive measures to ascertain infection source to prevent transmission of venereal disease

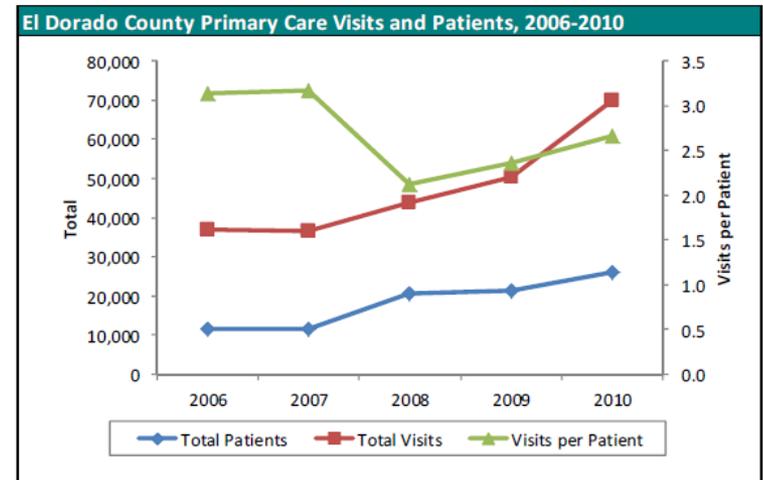
*H&S § 120575*

# Safety Net Capacity Increased



- This data base includes four safety net providers:
  - the El Dorado County Community Health Center,
  - Placerville Health and Wellness
  - Shingle Spring tribal Health Program
  - Barton Memorial Hospital Family Clinic.

- CHC demand has increased significantly in El Dorado County since 2006.
- In 2010, there were 69,840 visits to CHC in El Dorado County—up from 36,998 in 2006.



**Primary Care Clinics & Visits, Sacramento Region, 2010**

County	Total Clinics	Total Visits	Total Patients	Visits/Patient
El Dorado	4	69,840	26,235	2.7
Placer	2	43,632	16,254	2.7
Sacramento	24	245,484	100,103	2.5
Yolo	7	117,757	35,370	3.3
<b>Total</b>	<b>37</b>	<b>476,713</b>	<b>177,962</b>	<b>2.7</b>

Source: OSHPD Primary Care Clinic Utilization Data File, 2010

# Synergy and Accountability

## Public Health Accreditation



10 Public Health Essential Services ↔ Public Health Accreditation  
12 Domains



Monitor health



Diagnose and investigate



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Mobilize community partnerships



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Enforce laws



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Evaluate (Performance management)



Research (Evidence-based practice)



- (Maintain administrative and management capacity)
- (Maintain capacity to engage the public health governing entity)

Public Health Accreditation ↔ Health and Human services Strategic Planning

# Why Public Health Accreditation?



“... improve and protect the health of the public by advancing the quality and performance of [Local Health Departments]”

## ✓ Synergy and Accountability

Demonstration of ***Return On Investment: “the value of public health”***

- ✦ **To governing bodies**: demonstrating budgetary worth
- ✦ **To grantors**: demonstrating competency and capacity
- ✦ **To the public**: demonstrating what Public Health does for them

***Evaluation and validation*** of programs and services

Crystallizing the Agency and Health Department ***goals and missions***

Fostering a culture of ***quality improvement***

***“Silo-busting, bridge-building”***

# Strategic Planning

## Health and Human Services Agency



### **Vision**

Transforming lives and improving futures

***Fiscal Accountability:*** We apply conservative principles responsibly while adhering to all government guidelines.

***Adaptability:*** We embrace and implement best practices based on an ever changing environment.

***Integrity:*** Our communication is honest, open, transparent, inclusive and consistent with our action.

***Excellence:*** We provide the best possible services to achieve optimal results.

# Strategic Planning

## Public Health



**Purpose:** We promote the health and safety of individuals, communities and animals in El Dorado County. We **are committed to:**



**Prevention** – We protect and improve health through injury and illness prevention, education, disease control and promotion of healthy lifestyles.

**Access** – We facilitate access to personal and community health services, to include, individuals with mental illness, language, physical, economic, and cultural barriers.



**Information** – We monitor the health of communities in the County, and gather, analyze, interpret and distribute information to efficiently impact health outcomes.



**Collaboration** – We partner with local leaders, businesses, community organizations and the public, to improve wellness.



**Safety** - We protect health through proactive monitoring, education, intervention, and enforcement.



# Synergy and Accountability

## Health and Human Services Agency Strategic Planning



### Public Health Accreditation ↔ Health and Human Services Agency Strategic Planning

- **Goal 3 - Program Effectiveness/Integration:** To develop collaborative partnerships and community networks that focus on quality, performance standards, outcomes and accountability through mutual goals and continuous improvement.

- ✦ **External collaboration**

- Inform educate and empower



- Mobilize community partnerships



- Enforce laws, (Maintain capacity to engage the public health governing entity)

- Diagnose and investigate



- ✦ **Healthcare reform**

- Link and provide care



- ✦ **Public Health Accreditation**



- Monitor health

- Develop policies (improvement plan)



- Research (Evidence-based practice)

# Synergy and Accountability

## Health and Human Services Agency Strategic Planning



### **Public Health Accreditation** **Health and Human Services Agency Strategic Planning**

- **Goal 1 - Staff Investment:** To encourage a safe, supportive, empowering professional culture that values learning and growth, and enhances employee innovation and purpose.



**Assure a competent workforce**

- **Goal 2 - Fiscal Responsibility:** To develop and sustain Agency resources through thoughtful planning and efficient practices, and foster accountability and ownership at all levels of the Agency.
- **Goal 4 - Agency Infrastructure:** To establish a strong Agency infrastructure through the advancement of technology, appropriate staffing levels, and facility development and utilization.



**Develop policies (Strategic planning),**



**Evaluate (Performance management),**

✦ **(Maintain administrative and management capacity)**