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NOTICE OF PROPOSED RULEMAKING

Title 17, California Code of Regulations

New Local Health Department Application (DPH-21-009)

Notice Published May 23, 2025

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in an alternate format, please write or call: Coordinator Name, Office of Regulations, 1415 L Street Suite 500, Sacramento, CA 95814, at (916) 558-1710, email to veronica.rollin@CDPH.ca.gov or use the California Relay Service by dialing 711.

PUBLIC HEARING

The Department has scheduled a public hearing to accept comments on the proposed rulemaking. Any person may present statements or arguments described in the Notice of Proposed Rulemaking. The Department requests but does not require that persons

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who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Date: July 10, 2025

Time: 10:00 am – 12:00 pm

Location: Microsoft Teams

Dial in by phone

+1 916-306-8051 United States, Sacramento

Phone conference ID: 473 173 024#

An agenda for the public hearing will be posted at the time and place of the hearing location.

Assistive Services:

For individuals with disabilities, the Department will provide assistive services such as conversion of written materials into Braille, large print, audio format, and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note takers, reading, or writing assistance. To request these assistive services, please call (916) 558-1710 or (California Relay at 711 or 1-800-735-2929), email Regulations@cdph.ca.gov or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to public hearing.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations by July 12, 2025, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written Comments must be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier “DPH-21-009” in the subject line to facilitate timely identification and review of the comment;

2. By fax transmission to: (916) 636-6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier, DPH-21-009 “New Local Health Department Application,” along with your name and your mailing address or email address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

The Department proposes to adopt the regulation sections identified under the authority provided in sections 208, 1111 and 1130 of the Health and Safety Code. This proposal implements, interprets, or makes specific, sections 1101, 1102 and 1130 of the Health and Safety Code (HSC).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Proposal:

The California Department of Public Health (Department) proposes to adopt sections 1551, 1553, 1555, 1557, 1559, 1561, 1563, 1565, 1567, 1569, 1571, 1573, 1575, 1577, 1579, 1581, 1583, 1585, 1587, and 1589, amend sections 1275, 1276, 1300, 1325, 1353, 1365, 1371, 1373, and 1375, and to repeal sections 1256, 1306, 1307, and 1328 in Chapter 3 of Division 101 of Title 17 of the California Code of Regulations (CCR). The primary purpose of these changes is to set forth the requirements and application process for qualifying cities¹ to establish a city-run Local Health Department (LHD) and obtain state aid for local health administration and departmental public health funding. This proposal is intended to protect the health of the people of California by ensuring that state public health funding is allocated to LHDs that meet the minimum standards and qualifications for a modern health department. These regulations will set forth the step-by-step process that new LHDs must follow to establish their eligibility for state aid for local health administration and departmental program funding. The Department further proposes to update and modernize elements of existing regulations affecting county and city health departments by eliminating outdated requirements and language.

¹ Under Health and Safety Code Section 101185(c), cities with populations of 50,000 or more have a right to form their own local health department.

Background:

Health and Safety Code section 101185(c), provides cities the right to form a new LHD if they have a population of 50,000 or more. However, existing regulations do not provide a specific process or detail specific requirements governing the formation of a city-run LHD. Currently, there is no process for the Department to review, approve, or deny a city's eligibility to apply for and receive state aid for local health administration and departmental program funding. Without clear processes in place, the Department cannot ensure that newly formed LHDs conform to current local health administration standards that would qualify them to receive state or departmental funds.

Problem Statement:

Due to the burdens placed on county health departments during the COVID-19 pandemic, several California cities have expressed concern about their county health department's ability to meet their community's needs. Several cities have explored the possibility of forming their own city-run local health departments (LHDs) as provided for under Health and Safety Code section 101185(c). As of this writing, the City of West Covina in Los Angeles County is actively working to develop its own LHD.

While current regulations discuss requirements for fully established LHDs, no similar regulatory guidance exists for cities wishing to establish a new LHD. Current regulations also lack a process for cities to establish eligibility to apply for state aid for local health administration and departmental public health funding. To ensure Department oversight of new LHDs and provide cities with a path to establishing and funding LHDs that meet current public health standards, the Department proposes the creation of an official application process for the creation of city-run LHDs with specific requirements and timelines.

Additionally, portions of the current regulations for city and county health departments are outdated and do not reflect how modern public health services are provided. The Department proposes to incorporate by reference elements of the Public Health Accreditation Board (PHAB) "Standards & Measures for Initial Accreditation, Version 2022," which represents the industry standard for local public health service, and to update existing regulations to meet current, modern public health practices and standards.

Objectives (Goals) of the Regulation:

- Update current regulations to reflect modern industry standards.
- Eliminate requirements that no longer apply to modern practices for local health administration.

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- Create a process to establish eligibility for qualifying cities to apply for state aid for local health administration and departmental public health funding for new LHDs.
- Uphold the Department's responsibility to protect the health and safety of Californians by ensuring the creation of LHDs capable of meeting modern public health standards and accreditation.
- Incorporate by reference elements of the Public Health Accreditation Board (PHAB) "Standards & Measures for Initial Accreditation, Version 2022," which represents the industry standard for local public health service.

Anticipated Benefits:

- Cities wishing to form their own LHD will have clear processes and procedures to follow to apply for state aid for local health administration and departmental public health funding.
- An application process will allow the Department oversight over the creation of new LHDs, ensuring that they incorporate the latest standards and practices in health equity, emergency preparedness, epidemiology, and other services not previously required.
- Incorporation of elements of the PHAB "Standards & Measures for Initial Accreditation, Version 2022," will ensure standardization of common industry standards across several regulatory provisions.

Evaluation as to Whether the Proposed Regulations Are Inconsistent or Incompatible with Existing State and Federal Regulations:

The Department evaluated whether the regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing state regulations and those regulations specific to local health department regulations. An internet search of other state agency regulations was also performed, and it was determined that no other state agency regulation addressed the same subject matter, and that this proposal is not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that the regulations is not inconsistent or incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

None

LOCAL MANDATE DETERMINATION

The Department has determined that the proposed regulations do not impose a mandate on local agencies or school districts that requires state reimbursement. No city

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is required to pursue the new LHD application process, and all the counties in California already provide local public health services to those cities. The new LHD application process is not mandatory for any city, and any applicant city that chooses to pursue the process may do so at their discretion.

MANDATED BY FEDERAL LAW OR REGULATIONS

No

OTHER STATUTORY REQUIREMENTS

No

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of Government Code:

None

The cost or savings to any state agency:

None

Other Nondiscretionary Cost or Savings Imposed on Local Agencies:

None

Cost or Savings in Federal Funding to the State:

None

HOUSING COSTS

The Department has determined that the proposed regulations would not have an impact on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The Department has determined that the proposed regulations would not significantly affect the following:

- A. The creation or elimination of jobs within the state.
- B. The creation of new businesses or the elimination of existing businesses within the state.
- C. The expansion of businesses currently doing business within the state.
- D. The proposed regulations will enhance the health and welfare of California residents by ensuring that new city Local Health Departments (LHDs) comply with statutory and regulatory requirements designed to protect the health and safety of individuals within the city's jurisdiction.

However, the proposed regulation will not improve worker safety or environmental conditions, as the proposed changes are not related to these issues.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

None.

BUSINESS REPORTING REQUIREMENTS

None.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulation will have no effect on

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small businesses in California as the associated costs will only occur for city governments who decide to create their own LHD. City governments serving populations greater than 50,000 have the statutory authority to create their own LHD. These regulations create an application process to determine that a new city LHD meets statutory requirements to receive public health funding from the Department. The transition of public health services from a county LHD to a new city LHD is determined to not have any new or additional costs to small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of new, specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action.

Alternatives that the Department itself considered are described in the Initial Statement of Reasons.

TECHNICAL, THERETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON

[PHAB "Standards & Measures for Initial Accreditation, Version 2022."](https://phaboard.org/accreditation-recognition/version-2022/)

<<https://phaboard.org/accreditation-recognition/version-2022/>> (Accessed on October 16, 2023.)

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Ben Chananie of the Director's Office at ben.chananie@cdph.ca.gov.

All other inquiries concerning the action described in this notice may be directed to Veronica Rollin, Office of Regulations, at (279) 217-0851, or to the designated backup contact person, Hannah Strom-Martin at (279) 217-0764.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-21-009.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the custodian of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (279) 217-0851 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audio format, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

Final Statement of Reasons:

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending & Opportunities for Public Participation, Proposed Regulations.