

# **Requirements & Responsibilities of Local Health Officers**



**Statutory and Regulatory  
Requirements, Authorities and  
Incentives**

# Sources of LHO Requirements



- ⌘ The health officer is required to observe and enforce:
  - ☑ Orders and ordinances of the local governing body, pertaining to the public health and sanitary matters;
  - ☑ Orders, including quarantine and other regulations, prescribed by the department; and
  - ☑ Statutes relating to public health.

(Health & Safe. Code, §§ 101030, 101470.)

# Orders of the Board/Council



- ☒ Adopted by counties and cities.**
- ☒ Valid ordinances have the force and effect of law.**
- ☒ “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal. Const., art. 11, sec. 7.)**

# Responsibility of Local Governing Body



- ⌘ The local governing body of each city or county is required:
  - ☑ To preserve and protect the public health by the adoption of ordinances, regulations, and orders not in conflict with general laws (Health & Safe. Code, §§ 101025, 101450);
  - ☑ To provide for the payment of all expenses incurred in enforcing them (Health & Safe. Code, § 101025); and
  - ☑ To appoint a health officer. (Health & Safe. Code, § 101000, 101460.)

# Orders of the Department



⌘ The [California Department of Public Health] may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

(Health & Safety Code, § 131080.)

⌘ Each health officer shall enforce all orders, rules, and regulations concerning quarantine or isolation prescribed or directed by the department.

(Health & Safety Code, § 120195.)

# Regulations of the Department



- ☒ **Regulations are standards of general application adopted by CDPH.**
- ☒ **Adopted where authorized by the legislature.**
- ☒ **Must not go beyond the scope of the authorizing legislation.**
- ☒ **Valid regulations have the full force and effect of law.**
- ☒ **Allow legislature to delegate authority to agencies with greater expertise in that area to adopt the details of programs outlined in the legislation.**
- ☒ **Codified in the Calif. Code of Regulations, but not well-organized.**

# Statutes Relating to Public Health



- ☒ Enacted by the legislature.**
- ☒ Begin in State Legislature as bills. If enacted and not vetoed, the bill becomes a chaptered bill (state), numbered sequentially according to the year or session in which it is enacted.**
- ☒ Health Officer is obligated to observe and enforce only those that relate to public health, or specifically name the health officer as being responsible.**

# Statutes - Codes



- ☒ For convenience, provisions of law are usually codified, i.e., placed in codes organized by subject area. For California Codes online, see [www.leginfo.ca.gov](http://www.leginfo.ca.gov).
- ☒ Some provisions are uncodified, e.g. intent language. To find them, you have to look to the chaptered version (e.g., the annual budget bill), or hope they are picked up in “annotated” codes, e.g. West’s, Deering’s, which will sometimes have the uncodified provisions

# Statutes & Regulations Relating to LHOs



- ⌘ There are both statutes and regulations relating to the responsibilities of LHOs.
- ⌘ Some are mandatory, while others are permissive or discretionary.
- ⌘ If there is a clear ministerial duty to enforce a statute, courts can order you to do so.
- ⌘ If the duty is discretionary, courts can not order you to do it.

# Regulations Relating to Local Health Administration



- ⌘ Health & Safety Code section 101175, et seq.
- ⌘ Sets up a program of state funding to support local health departments.
- ⌘ Targets small counties.
- ⌘ Money must be used for specified purposes.

# Purposes Specified



- ⌘ Communicable disease prevention,
  - ⌘ Epidemiologic services,
  - ⌘ Public health laboratory identification,
  - ⌘ Surveillance,
  - ⌘ Immunizations,
  - ⌘ Follow-up care for sexually transmitted disease
  - ⌘ Tuberculosis control
  - ⌘ Support services.
- (Health & Safety Code §101230.)

# Limitation



⌘ No funds appropriated for the purposes of this article shall be allocated to any local health department whose professional and technical personnel and whose organization and program do not meet the minimum standards established by the department.

(Health & Safety Code § 101260.)

# Regulatory Minimum Standards



- ⌘ Communicable disease control
- ⌘ Maternal and child health/family planning
- ⌘ Environmental health and sanitation services
- ⌘ Laboratory services
- ⌘ Laboratory services, chronic disease & community planning
- ⌘ Occupational health
- ⌘ Public Nursing

# Statutory Authorities



## 5 Categories

- ⌘ Reportable Diseases
- ⌘ Environmental Health
- ⌘ Vital Records
- ⌘ Family Planning
- ⌘ Miscellaneous

# Reportable Diseases



- ⌘ Receive reports of reportable diseases and conditions, and report to State. (Bus. & Prof. Code 554; Health & Safety Code 7302, 103900, 120130, 120185, 120190.)
- ⌘ Take measures necessary to prevent the spread of communicable diseases. (Health & Safety Code 120175, 120575.)
- ⌘ Establish places of quarantine if directed and quarantine according to rules of CDPH. (Health & Safety Code 120195, 120200.)
- ⌘ Conduct annual inspections of tattoo parlors. (Health & Safety Code 119304)

# Reportable Diseases



- ❖ Reports of HIV infections. (Health & Safety Code 1603.1, 121022)
- ⌘ Investigation and issuance of orders pertaining to TB cases. (Health & Safety Code 121365, 121366, 121367.)
- ⌘ Compliance with CDPH standards for TB control program. (Health & Safety Code 121455.)
- ⌘ TB reporting. (Health & Safety Code 121361, 121362.)
- ⌘ Ensure compliance with TB testing requirements. (Health & Safety Code 121540.)

# Environmental Health



- ⌘ Solid waste – approve garbage dumps. (Health & Safety Code 6512)
- ⌘ Beaches – test water and close when needed. (Health & Safety Code 115880, et seq.)
- ⌘ Swimming pools - (Health & Safety Code 116038, 116053.)
- ⌘ Regulation of septic tank, etc. cleaning. (Health & Safety Code 117400, et seq.)
- ⌘ Small water system enforcement & reporting. (Health & Safety Code 116340.)
- ⌘ Notify the public of sewage discharge into water. (Water Code, § 13271.)

# Environmental Health



- ⌘ Food Code inspections – (Health & Safety Code 113700, et seq.)
- ⌘ Receive and investigate foodborne illness reports. (Health & Safety Code 113949, et seq.)
- ⌘ Receive recalled meat reports. (Health & Safety Code 110806.)
- ⌘ Sale of milk from infected cows. (Food & Ag. Code 35928.)

# Environmental Health



- ⌘ Toy Safety - (Health & Safety Code 108550.)
- ⌘ Wiping rag regulation - (Health & Safety Code 118460.)
- ⌘ Pesticide Poisoning Reports – Food & Ag. Code 12982, Health & Safety Code 105200.)
- ⌘ Hazardous waste spills and improper disposal - Health & Safety Code 25180.5
- ⌘ Drug Labs – evaluate, contain and remediate sites (Health & Safety Code 11642, 25400.17 and 25400.35
- ⌘ Unlicensed dispensing of prescription drugs and controlled substances; investigations. (Health & Safety Code 101070.)

# Environmental Health



- ⌘ Jails – Investigate Health and Sanitary Conditions (Health & Safety Code 101045)
- ⌘ Test probationers and parolees for controlled substances on court order. (Health & Safety Code 11551.)
- ⌘ HIV testing in criminal cases. (Penal Code 1524.1)

# Vital Records/Family Planning



- ⌘ Perform duties of local registrar of births and deaths. (Health & Safety Code 102275, et seq.)
- ⌘ Identify and list all family planning clinics. (Health & Safety Code 101050, et seq.)
- ⌘ SIDS referrals - (Health & Safety Code 123740.)

# Miscellaneous



- ⌘ Wild Animal Quarantines - (Health & Safety Code 121840.)
- ⌘ Organized Camp Building Standards - (Health & Safety Code 18997.4)

# There's More!



- ⌘ This list is not comprehensive.
- ⌘ Ask your county counsel!