

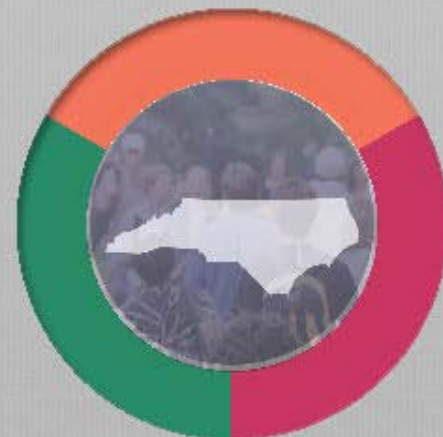


North Carolina Human Services



WHAT MIGHT NEW LEGISLATION
MEAN FOR YOUR COUNTY?

Aug 30, 2012



UNC
SCHOOL OF GOVERNMENT

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County Responsibility for Public Health

“A county shall provide public health services.”

G.S. 130A-34(a)

Options (GS 130A-34, 130A-45)

County health department

District health department

Consolidated human services agency

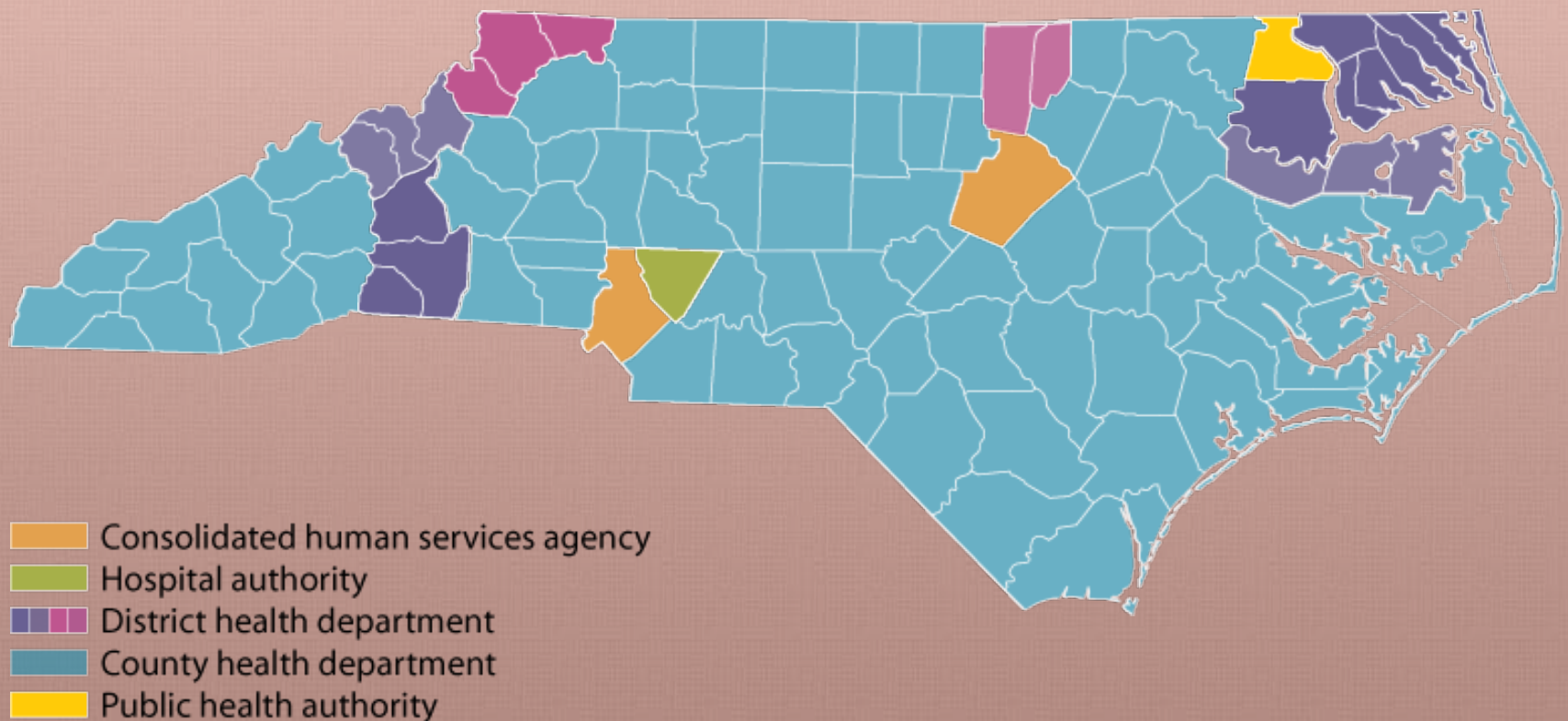
Public health authority

Contract with state to provide services



County Responsibility & Options

FIGURE 2.1. Types of Local Public Health Agencies in North Carolina, FY2011–2012



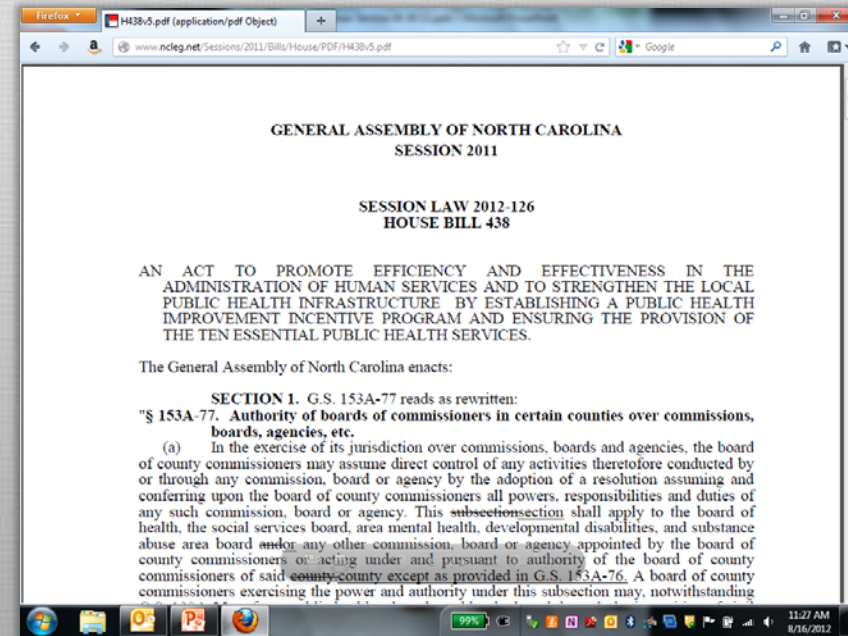
County Responsibility for Social Services

- “Every county shall have a board of social services or a consolidated human services board...” G.S. 108A-1
- Every county must be involved in administering certain programs
 - public assistance (e.g., Medicaid, SNAP)
 - social services (e.g., child protective services, guardianship services)



New Legislation

- Organizing and governing county human services agencies
 - Board of county commissioners (BOCC) may assume powers and duties of boards
 - BOCC may create consolidated human services agency
 - BOCC may take both actions
- G.S. 153A-77, as amended by S.L. 2012-126 (H 438)



New Legislation

- Public health specific provisions
 - Conditions to state and federal funding for local public health agencies
 - Public Health Improvement Incentive Program to promote multi-county public health agencies



Assuming powers & duties of boards

Authority extends to ...

- County board of health
- County board of social services
- Consolidated human services board
- Other board or commission appointed by BOCC or acting under and pursuant to commissioners' authority

Does not extend to ...

- MHDDSAS board
- Public health authority
- Public hospital authority providing public health services
- Public hospitals
- Multi-county boards, such as district board of health



Assuming powers & duties of boards

- Public hearing and adoption of resolution
 - Give 30 days notice of public hearing
 - Hold public hearing
 - BOCC adopts resolution “assuming and conferring upon the board of county commissioners all powers, responsibilities and duties” of the boards being abolished



Advisory committees

Required Public health

- If the BOCC assumes control of the board of health, it must appoint an advisory committee: physician, dentist, optometrist, veterinarian, registered nurse, pharmacist, county commissioner, professional engineer, three general public members

Permitted Other activities under BOCC authority

- The BOCC may appoint advisory boards or committees “to study, interpret and develop community support and cooperation” in other activities conducted by the BOCC or under its authority

BOCC acting as BOH

- Role: “protect and promote the public health”
- Powers and duties:
 - Appoint local health director
 - Make policy for local public health agency
 - Adopt local public health rules
 - Adjudicate disputes regarding local rules or locally imposed public health administrative penalties (fines)
 - Impose local public health fees
 - Satisfy state accreditation requirements for BOHs
- More details: <http://canons.sog.unc.edu/?p=6716>



BOCC acting as BSS

- Powers and duties:
 - Appoint social services director
 - Consult with director in preparing agency budget
 - Inspect social services and public assistance records
 - Make some decisions related to Work First, Special Assistance, and services funded through the Social Services Block Grant*
 - Review suspected cases of fraud for some public assistance programs*
- More details:
 - <http://canons.sog.unc.edu/?p=6798>
 - <http://canons.sog.unc.edu/?p=6603>



Consolidated Human Services Agency (CHSA)

- CHSA may include “any combination of commissions, boards, or agencies appointed by the BOCC or acting under and pursuant to the authority of the BOCC”
 - Public health, social services, other county human services
 - No specific combination of agencies required

Consolidated Human Services Agency (CHSA)

- BOCC may not consolidate into a CHSA:
 - Mental health, developmental disabilities, and substance abuse services (MHDDSAS) board
 - Public health authority
 - Public hospital authority providing public health services under SL 1997-502
 - Other public hospitals
 - Multi-county agencies, such as district health departments

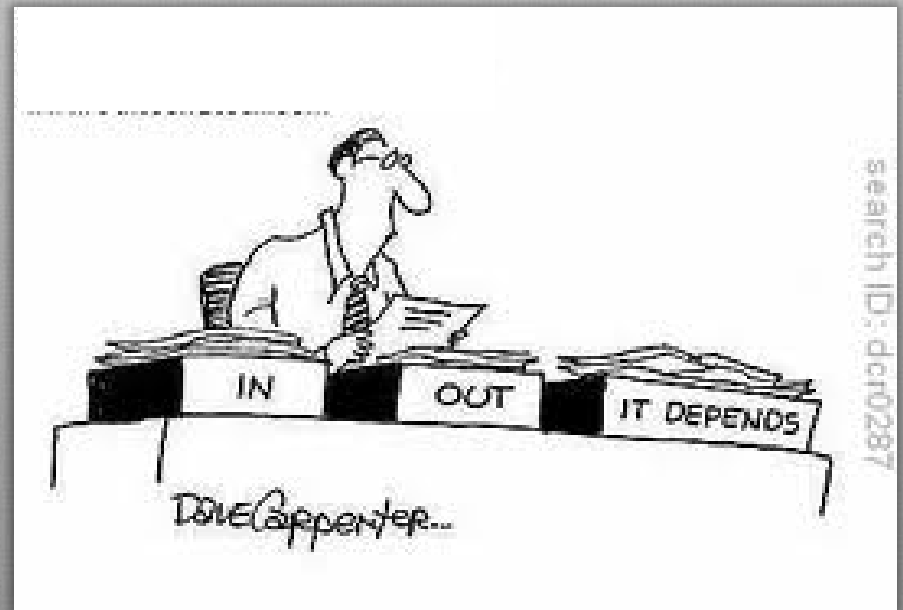
CHSA

“any combination of commissions, boards, or agencies appointed by the board of county commissioners or acting under and pursuant to authority of the board of county commissioners”



Creating a CHSA

- BOCC may create
 - Agreement of local appointed boards not required
- Public hearing required?
 - It depends



Process

CHS board

- Nominating committee comprised of members of PH, SS, MHDDSA boards
- BOCC votes to create CHSA and appoint CHS board

BOCC as board

- Notice of public hearing (30 days)
- Hearing
- BOCC votes to create CHSA
- Adopt a resolution assuming direct control of CHS board



CHS Board

- 4 consumers of human services (which ones not specified)
- 8 professionals: psychologist, pharmacist, engineer, dentist, optometrist, veterinarian, social worker, nurse
- 2 physicians, one of whom must be a psychiatrist
- 1 county commissioner
- General public representatives

CHS Board Powers & Duties

CHSA Statute

- Specific powers and duties described in CHSA statute

Inherited

- CHSA board inherits statutory powers & duties of other boards
- Board does not acquire powers and duties of governing board for agency not consolidated
- MHDDSAS boards may not be consolidated in most counties



CHSA Statute: Board Powers and Duties

- Fees
- Compliance
- Agency budget
- Local health rules and appeals
- Regulatory health functions
- Audit and review programs
- Recommend local programs
- Coordinator or agent of State
- Public relations and advocacy
- Protect public health
- Dispute resolution



Inherited: Board Powers and Duties

Health

- Satisfy local health department accreditation requirements for board of health

Social Services

- Advise the director and other agencies on social conditions in the county
- Inspect social services and public assistance records
- Make some decisions related to Work First, Special Assistance, and services funded through the Social Services block grant*
- Review suspected cases of fraud for some public assistance programs*



CHS Director

- Appointed and supervised by county manager
 - Advice and consent of the CHS board required



CHS Director Powers & Duties

CHSA Statute

- Specific powers and duties described in CHSA statute

Inherited

- CHSA Director inherits statutory powers & duties of other directors
- Only those directors of agencies included in the CHSA
- Some limitations to CHS director's powers and duties in other statutes

CHSA Statute: Director Powers and Duties

- Appoint CHSA staff with county manager's approval
- Administer state and local human services programs
- Secretary and staff to CHS board
- Plan CHSA budget
- Advise county commissioners through the county manager
- Perform regulatory public health functions
- Act as agent of and liaison to state to extent law requires
- Appoint individual who meets requirements of GS 130A-40



Inherited: Director Powers and Duties

Health

- Administer public health programs
- Enforce public health laws
- Employ public health remedies, including public health nuisance and imminent hazard abatement & fines for violations of certain laws
- Investigate and control spread of communicable diseases
- Order isolation or quarantine
- Rabies control
- Investigation of other diseases
- Disseminate public health information and promote health
- Advise local officials on health matters

Social Services

- Administer social services programs
- Serve as guardians of incompetent adults
- Serve as temporary guardian of minor children
- Serve on local community child protection team, child fatality prevention team, and juvenile crime prevention council
- Arrange for the burial or cremation of unclaimed bodies of deceased persons
- Issue certificates of employment for youth
- Assist state DOC in supervision of paroled ex-prisoners upon request
- Perform functions specified under local emergency management plans



“An individual that meets the requirements of G.S. 130A-40(a)”

- Minimum education and qualification requirements for a local health director
 - Background in medicine, public health, or public administration related to health
- No roles specified, but CHS director could delegate the powers & duties of the local health director
 - Both G.S. 153A-77 and public health laws allow delegation
 - NC accreditation standards: local public health agency must have a director who meets the standards



Personnel



- Hiring authority
 - CHSA director appoints the staff of the CHSA with the county manager's approval

Personnel

State Personnel Act (SPA)

- General rule: Employees of local public health and social services agencies are subject to the SPA
- Some county personnel ordinances or policies may also apply to these employees
- These employees are *county employees*



Personnel

- CHSA Option: If a county creates a CHSA that includes public health and/or social services, the county has a choice.
 - Elect to keep those employees subject to the SPA
 - Elect to remove those employees from the SPA

Federal Merit Personnel Standards

- Recruiting, selecting, and advancing employees based on merit
- Equitable and adequate compensation
- Training employees
- Retaining/separating employees on the basis of performance
- Correcting inadequate performance
- Assuring fair treatment of applicants and employees
- Assuring employees are protected against coercion for partisan political purposes

5 CFR § 900.603



Summary: County Human Services Options

- Authority under new legislation:
 - Board of county commissioners (BOCC) may assume powers and duties of boards
 - BOCC may create consolidated human services agency
 - BOCC may take both actions
- Options for local public health and social services agencies under other laws
- Option of staying the same

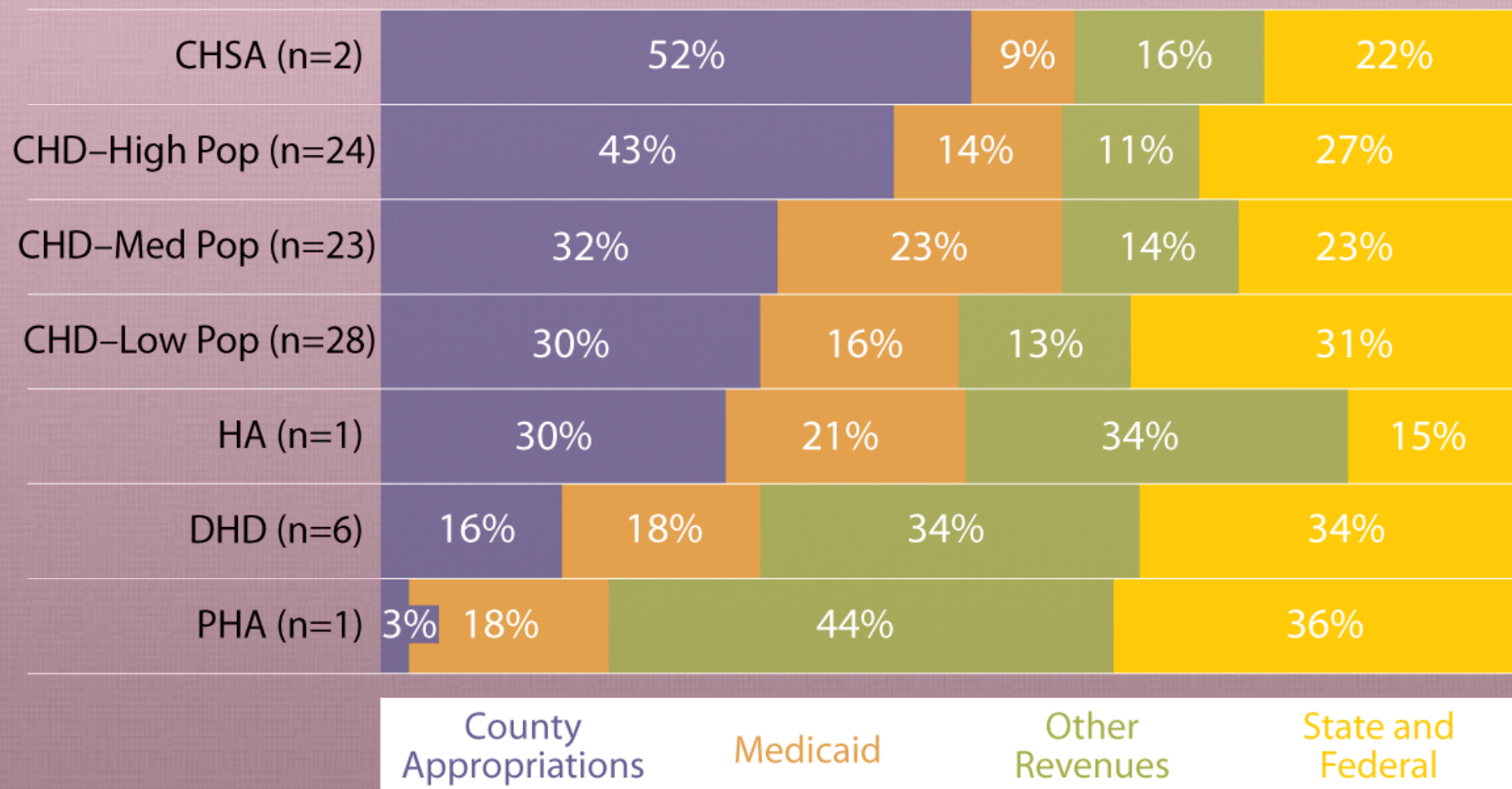


New conditions for state & federal funds

- By July 1, 2014, to receive state and federal funds:
 - Maintenance of effort: Counties must maintain operating appropriations to local public health agencies at levels appropriated in FY 2010-11
 - Accreditation: LPHA must obtain and maintain accreditation under NC's existing local health department accreditation program



FIGURE 4.1. Median Proportion of Expenditures by Funding Source* FY2010



*Percentages do not total 100 percent for every agency type since median, not mean, figures were used.

Data Source: NC DHHS Revenue Source Book, FY2010

NC Local Health Department Accreditation Program

- All local public health agencies must obtain and maintain accreditation through the NC Local Health Department Accreditation Program – G.S. 130A-34.1
- Requirement extends to all types of LPHAs: county health department, district health department, public health authority, CHSA
- NC Administrative Code contains accreditation standards

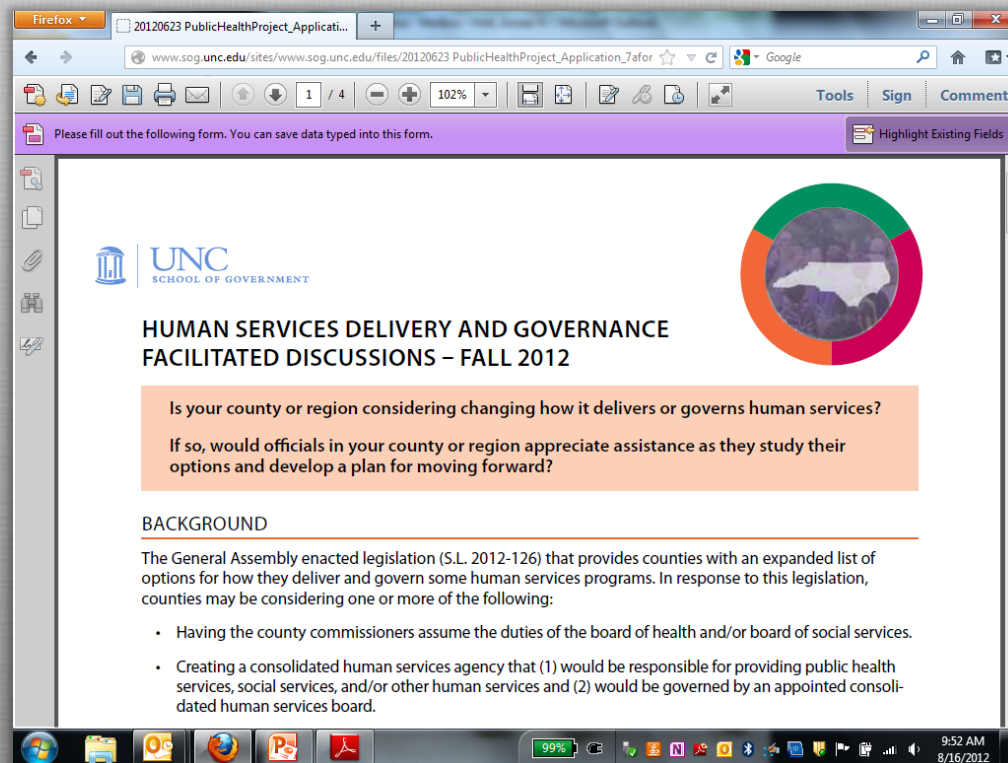


Questions?



Facilitated Discussions

Applications due September 21st & Available at
www.ncphagencies.unc.edu




The screenshot shows a Firefox browser window with the address bar displaying [www.sog.unc.edu/sites/www.sog.unc.edu/files/20120623 PublicHealthProject_Application_7afor](http://www.sog.unc.edu/sites/www.sog.unc.edu/files/20120623%20PublicHealthProject_Application_7afor). The page content includes the UNC School of Government logo, a circular graphic with a map of North Carolina, and the title 'HUMAN SERVICES DELIVERY AND GOVERNANCE FACILITATED DISCUSSIONS – FALL 2012'. Below the title, there is a text box asking: 'Is your county or region considering changing how it delivers or governs human services? If so, would officials in your county or region appreciate assistance as they study their options and develop a plan for moving forward?'. A 'BACKGROUND' section follows, explaining that the General Assembly enacted legislation (S.L. 2012-126) providing counties with an expanded list of options for how they deliver and govern some human services programs. The background section lists two options: 1) Having the county commissioners assume the duties of the board of health and/or board of social services, and 2) Creating a consolidated human services agency that (1) would be responsible for providing public health services, social services, and/or other human services and (2) would be governed by an appointed consolidated human services board.

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www.sog.unc.edu/sites/www.sog.unc.edu/files/20120623 PublicHealthProject_Application_7afor

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 **UNC**
SCHOOL OF GOVERNMENT

**HUMAN SERVICES DELIVERY AND GOVERNANCE
FACILITATED DISCUSSIONS – FALL 2012**

Is your county or region considering changing how it delivers or governs human services?
If so, would officials in your county or region appreciate assistance as they study their
options and develop a plan for moving forward?

BACKGROUND

The General Assembly enacted legislation (S.L. 2012-126) that provides counties with an expanded list of options for how they deliver and govern some human services programs. In response to this legislation, counties may be considering one or more of the following:

- Having the county commissioners assume the duties of the board of health and/or board of social services.
- Creating a consolidated human services agency that (1) would be responsible for providing public health services, social services, and/or other human services and (2) would be governed by an appointed consolidated human services board.





Background

- [What are we studying?](#)
- [Who is funding the research?](#)
- [Who is on our research team?](#)
- [What public health systems legislation is the General Assembly considering?](#)
- [Where can I find more information?](#)

Research

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NC Public Health Systems Research

North Carolina counties are required to provide public health services in their communities but they are allowed to choose how they deliver those services. Will they operate a single county health department? Join forces with another county to create a district health department? Establish a public health authority? Create a consolidated human services agency?

This website was developed to provide ready access to research and information about how these different types of local public health agencies function in North Carolina. The site is the primary outlet for information developed in the course of the School of Government's recent research project funded by the [Robert Wood Johnson Foundation](#).

On this site, you can find [background](#) information about the research project, [funding](#) and [team](#), and registration information for the informational [webinar](#) scheduled for May 11, 2012. This site will also include direct access to all reports and information generated through the research as they become available. Finally, for those who are interested in sharing thoughts about the research, you can submit a comment to the research team. We will post public comments on the site periodically.

Evaluation

Your feedback is appreciated.

Please take a moment to complete our short [evaluation](#).