

**Mandated Services:  
What Services MUST Local Health Departments Provide?**

**Aimee Wall  
UNC School of Government**

---

State law provides that “a county shall provide public health services.”<sup>1</sup> What does this mandate mean? One way to answer that question is to identify the services that health departments are legally *required* to provide. Below is a brief summary of the primary legal authorities that mandate service provision. It is important to note that this summary focuses primarily on *services*. It does not address other legal obligations confronting health departments, such as compliance with the HIPAA privacy rule. It also does not capture isolated mandates found in the general statutes, such as the requirement that the health director “organize or assist other county departments to organize at least one countywide rabies vaccination clinic per year....”<sup>2</sup> Rather, this is a general summary intended to describe the basic framework of mandated public health services at the local level.

- **Must a health department provide certain services within its jurisdiction?** Yes. State law requires that local health departments either provide or ensure the provision of the following services:
  - Adult health
  - Home health
  - Dental public health
  - Food, lodging and institutional sanitation
  - Individual on-site water supply
  - Sanitary sewage collection, treatment and disposal
  - Grade-A milk sanitation
  - Communicable disease control
  - Vital records registration
  - Maternal health
  - Child health
  - Family planning
  - Public health laboratory support<sup>3</sup>
  
- **When should a health department “provide” vs. “ensure the provision of” a service?** There is a specific state regulation governing each of the thirteen mandated services listed above. (See Table 1). Each regulation specifies whether the health department has the responsibility to “provide” the service itself or “ensure the provision of” the service. For example:
  - Provide –
    - “A local health department *shall provide* food, lodging, and institutional sanitation and public swimming pools and spas services within the jurisdiction of the local health department.”<sup>4</sup>

---

<sup>1</sup> G.S. 130A-34(a).

<sup>2</sup> G.S. 130A-187.

<sup>3</sup> 10A NCAC 46 .0201

- Ensure the provision of –
  - “A local health department *shall provide, contract for the provision of, or certify the availability of* child health services for all individuals within the jurisdiction of the local health department.”<sup>5</sup>
- **How does accreditation fit in?** State law requires that all local health departments obtain and maintain accreditation.<sup>6</sup> In order to be accredited, the health department must satisfy 33 of 41 benchmarks, as outlined in regulation.<sup>7</sup> The requirements included in these benchmarks are quite varied in scope and application. Some address specific services provided to the public or activities conducted in the community while others may address internal activities and operations of the health department or board of health. For example:
  - Services: LHD “shall provide, support, and evaluate health promotion activities designed to influence the behavior of individuals and groups.”<sup>8</sup>
  - Activities: LHD “shall work with local, state and federal policymakers to enact policies, laws, rules, and ordinances that support individual and community health efforts.”<sup>9</sup>
  - Practices: LHD “shall use research to develop and evaluate public health programs.”<sup>10</sup>
- **How does federal law fit in?** Local health departments rely on various sources of federal funding including Medicaid, Medicare, family planning grants and WIC funding. This federal funding often comes with strings attached. Many of the additional requirements are programmatic or administrative in nature, such as requirements related to financial management systems, program evaluation, and reporting. Other requirements, though, require health departments to provide certain services. For example:
  - Title X family planning grants require grantees to provide specific family planning services to clients.<sup>11</sup>
  - All health departments receiving federal funding must provide language assistance to persons with limited English proficiency.<sup>12</sup>
- **How does the consolidated agreement fit in?** In order to receive funds from the State, each local health department must sign a contract, often referred to as the consolidated agreement. If a county fails to comply with the terms of the agreement, the state could cut off the funding. The agreement requires that health departments comply with federal and state law and includes various programmatic and administrative requirements. It also imposes a few specific service mandates; for example, health departments must perform community health assessments every four years (overlaps with the accreditation benchmarks) and provide language assistance services (overlaps with federal law).

---

<sup>4</sup> 10A NCAC 46 .0213

<sup>5</sup> 10A NCAC 46.0204

<sup>6</sup> G.S. 130A-34.1(f).

<sup>7</sup> 10A NCAC 48B .0103.

<sup>8</sup> Benchmark 10; 10A NCAC 48B .0402.

<sup>9</sup> Benchmark 14; 10A NCAC 48B .0601.

<sup>10</sup> Benchmark 28; 10A NCAC 48B .1101.

<sup>11</sup> See [http://www.hhs.gov/opa/familyplanning/toolsdocs/2001\\_ofp\\_guidelines\\_complete.pdf](http://www.hhs.gov/opa/familyplanning/toolsdocs/2001_ofp_guidelines_complete.pdf)

<sup>12</sup> For more information, see <http://www.sog.unc.edu/programs/ncphl/ImmigrantHealth/index.htm>.

**At A Glance: State Mandated Services Regulations**

Service	Provide or Ensure?	
Child Health .0205	Ensure	<p>(a) A local health department shall provide, contract for the provision of, or certify the availability of child health services for all individuals within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <ul style="list-style-type: none"> <li>(1) A description of the procedures for child health services provided by the local health department, a copy of the contract for the provision of child health services, or a certification of availability of child health services. These child health services shall include: <ul style="list-style-type: none"> <li>(A) Child health information, referral, immunizations, and hemoglobinopathy screening upon request.</li> <li>(B) Identification and follow-up of high priority infants.</li> <li>(C) Follow-up of infants with PKU or hypothyroidism.</li> <li>(D) Follow-up of chronically ill and handicapped infants and children upon request.</li> <li>(E) Routine periodic well-child supervision to children less than five years of age, not served by another health care resource, through one or more of the following mechanisms: <ul style="list-style-type: none"> <li>(i) referral to other health care providers;</li> <li>(ii) contracts with other health care providers; or</li> <li>(iii) provision of the following health assessment services in a local health department child health clinic: <ul style="list-style-type: none"> <li>(I) initial and interim health history;</li> <li>(II) physical assessment and laboratory services;</li> <li>(III) developmental evaluation;</li> <li>(IV) nutrition assessment;</li> <li>(V) counseling, including anticipatory guidance; and</li> <li>(VI) referral for further diagnosis and treatment.</li> </ul> </li> </ul> </li> </ul> </li> <li>(2) A description of the target population for child health services provided by the local health department, including eligibility criteria. The local health department shall emphasize provision of child health services to individuals who would not otherwise have access to these services.</li> <li>(3) A description of fees, if any, for child health services provided by the local health department.</li> </ul> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of community and patient child health education services within the jurisdiction of the local health department. The policies shall include a description of the procedures for provision of services for identification of, recruitment of, and outreach to the target population.</p>
Maternal Health .0206	Ensure	<p>(a) A local health department shall provide, contract for the provision of, or certify the availability of maternal health services for all individuals within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <ul style="list-style-type: none"> <li>(1) A description of the procedures for maternal health services provided by the local health department, a copy of the contract for the provision of maternal health services, or a certification of availability of maternal health services. These maternal health services shall include: <ul style="list-style-type: none"> <li>(A) Pregnancy testing, information, and referral as appropriate;</li> <li>(B) Ongoing prenatal care to all pregnant women, not served by another health care resource, through one or more of the following mechanisms:</li> </ul> </li> </ul>

**At A Glance: State Mandated Services Regulations**

		<ul style="list-style-type: none"> <li>(i) Referral to other health care providers;</li> <li>(ii) contracts with other health care providers; or</li> <li>(iii) provision of the following prenatal services in a local health department maternity clinic:             <ul style="list-style-type: none"> <li>(I) Initial history, and physical and laboratory examinations;</li> <li>(II) assessment of medical, nutritional, and social problems;</li> <li>(III) weekly assessments by a physician or a registered nurse, as medically indicated;</li> <li>(IV) laboratory, nutrition, and patient education follow-up services;</li> <li>(V) high-risk identification and referral; and</li> <li>(VI) scheduling of postpartum visits.</li> </ul> </li> <li>(2) A description of the target population for maternal health services provided by the local health department, including eligibility criteria. The local health department shall emphasize provision of maternal health services to individuals who would not otherwise have access to these services.</li> <li>(3) A description of fees, if any, for maternal health services provided by the local health department.</li> </ul> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of community and patient maternal health education services within the jurisdiction of the local health department. Education services shall promote healthy lifestyles for good pregnancy outcome.</p>
<p>Family Planning .0207</p>	<p>Ensure</p>	<p>(a) A local health department shall provide, contract for the provision of, or certify the availability of family planning services for all individuals within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <ul style="list-style-type: none"> <li>(1) A description of the procedures for family planning services provided by the local health department, a copy of the contract for the provision of family planning services, or a certification of availability of family planning services. These family planning services shall include:             <ul style="list-style-type: none"> <li>(A) Patient history assessments;</li> <li>(B) Physical examinations and laboratory services;</li> <li>(C) Medical, nutritional, and social assessments;</li> <li>(D) Provision of contraceptive information and the use of informed consent procedures when prescribing a method of contraception;</li> <li>(E) Treatment, referral, and follow-up.</li> </ul> </li> <li>(2) A description of the target population for family planning services provided by the local health department, including eligibility criteria. The local health department shall emphasize provision of family planning services to individuals who would not otherwise have access to contraceptive services in the community.</li> <li>(3) A description of fees, if any, for family planning services provided by the local health department.</li> </ul> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of community and client family planning education services within the jurisdiction of the local health department. The policies shall include a description of the procedures for provision of services for identification of, recruitment of, and outreach to the target population.</p>
<p>Dental Public Health .0208</p>	<p>Ensure</p>	<p>(a) A local health department shall provide, contract for the provision of, or certify the availability of dental public health services for all individuals within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <ul style="list-style-type: none"> <li>(1) A description of the procedures for dental public health services provided by the local health department, a copy of a contract</li> </ul>

**At A Glance: State Mandated Services Regulations**

		<p>for the provision of dental public health services, or a certification of availability of dental public health services. These dental public health services shall include:</p> <p>(A) Approved preventive dental health services for targeted children and adults.</p> <p>(B) Dental screening and referral services for targeted children and adults.</p> <p>(C) Cooperation with the Division in promoting and obtaining fluoridation of community and school water systems, including keeping records of all water systems within the jurisdiction of the local health department which are fluoridated.</p> <p>(2) A description of the target population for dental public health services, provided by the local health department, including eligibility criteria.</p> <p>(3) A description of fees, if any, for dental public health clinical treatment services provided by the local health department.</p> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of community and client dental public health education services within the jurisdiction of the local health department. The policies shall include a description of the scope of dental health educational services, to include nutrition and dietary information, to be provided to the target population.</p>
Home Health .0208	Ensure	<p>(a) A local health department shall provide, contract for the provision of, or certify the availability of home health services for all individuals within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <p>(1) A description of the home health services provided by the local health department, a copy of the contract for the provision of home health services, or a certification of availability of home health services.</p> <p>(2) A description of fees for home health services provided by the local health department.</p> <p>(b) A local health department which provides home health services shall meet the standards for licensure of home health agencies found in 10 NCAC 3L.</p>
Adult Health .0209	Ensure	<p>(a) A local health department shall provide, contract for the provision of, or certify the availability of adult health services for all individuals within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <p>(1) A description of the procedures for adult health services provided by the local health department, a copy of the contract for the provision of adult health services, or a certification of availability of adult health services. These shall include the following prevention and detection services for cancer, diabetes, and hypertension.</p> <p>(A) Identification, recruitment, screening, including laboratory services, referral, and follow-up;</p> <p>(B) Nutrition services to patients and persons at risk.</p> <p>(2) A description of the target population for adult health services provided by the local health department, including eligibility criteria.</p> <p>(3) A description of fees, if any, for adult health services provided by the local health department.</p> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of cancer, diabetes, and hypertension health education services to the community, persons at risk, and patients.</p>
On-site Water Supply .0210	Provide	<p>(a) A local health department shall provide individual (on-site) water supply sanitation services within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <p>(1) Provisions for inspecting individual water supplies upon request and identifying needed improvements. When indicated, water samples are collected for bacteriological or chemical analysis in an approved manner, and the samples are submitted to</p>

**At A Glance: State Mandated Services Regulations**

		<p>a certified lab for analysis.</p> <p>(2) Provisions for investigating complaints and suspected outbreaks of illness associated with water supplies. Corrective actions shall be taken in cases of valid complaints and confirmed outbreaks of illness.</p> <p>(3) Provisions for keeping records of activities described in Paragraphs (a)(1) and (2) of this Rule.</p> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of orientation and in-service training for sanitarians. The policies shall include the following minimum requirements ... <i>[remainder omitted]</i></p> <p><i>*This regulation should be read together with the new permitting requirements related to private drinking water wells in Chapter 87, Article 7. G.S. 87-97(a) reads: "Mandatory Local Well Programs. – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. Local health departments shall administer the program and enforce the minimum well construction, permitting, inspection, repair, and testing requirements set out in this Article and rules adopted pursuant to this Article."</i></p>
Sewage Collection .0211	Provide	<p>(a) A local health department shall regulate sewage collection, treatment, and disposal within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <p>(1) Provisions for the enforcement of permit requirements specified in the sewage law and rules.</p> <p>(2) Provisions for investigating complaints and suspected outbreaks of illness associated with sewage collection, treatment, and disposal. Corrective actions shall be taken in cases of valid complaints and confirmed outbreaks of illness.</p> <p>(3) Provisions for keeping records of activities described in Paragraphs (a)(1) and (2) of this Rule.</p> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of orientation and in-service training for sanitarians. The policies shall include the following minimum requirements... <i>[remainder omitted]</i></p>
Grade A Milk .0212	Ensure	<p>(a) A local health department shall provide or certify the availability of grade "A" milk sanitation services within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include: <i>[remainder omitted]</i></p> <p><i>* This service is provided by the state. The local health departments are not directly involved in service provision.</i></p>
Food, Lodging, Institutions, Swimming Pools, Spas .0213	Provide	<p>(a) A local health department shall provide food, lodging, and institutional sanitation and public swimming pools and spas services within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <p>(1) The frequency of inspections of food, lodging, and institutional facilities and public swimming pools and spas with the following being the minimum: <i>[timeframes omitted]</i></p> <p>(2) Provisions for investigating complaints and suspected outbreaks of illness associated with food, lodging, and institutional facilities, and public swimming pools. Corrective actions shall be taken in cases of valid complaints and confirmed outbreaks of illness.</p> <p>(3) Provisions for keeping records of activities described in Subparagraphs (1) and (2) of this Paragraph.</p> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of sanitation education for food service personnel and orientation and in-service training for Environmental Health Specialists. The policies shall include the following requirements...<i>[remainder omitted]</i></p>

**At A Glance: State Mandated Services Regulations**

<p>Communicable Disease Control .0214</p>	<p>Provide</p>	<p>(a) A local health department shall provide services and perform activities for the control of communicable disease within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include a description of the procedures for communicable disease control services and activities provided by the local health department which shall include:</p> <ul style="list-style-type: none"> <li>(1) General Communicable Disease Control: <ul style="list-style-type: none"> <li>(A) Reporting communicable diseases as required by law. Additionally, cases of vaccine-preventable diseases shall be reported to the designated division program representative within 24 hours of receipt of the report.</li> <li>(B) Investigating any outbreaks of a reportable communicable disease within the jurisdiction of the local health department to determine the cause of the outbreak and to ensure that appropriate steps are taken to arrest the outbreak and prevent its recurrence.</li> <li>(C) Investigating each case of a communicable disease for which there is a surveillance form supplied by the Department. Forms shall be completed and submitted to the Department.</li> <li>(D) Distributing communicable disease report cards with instructions for submission to all pediatricians, internists, and family or general practitioners practicing within the jurisdiction of the local health department.</li> </ul> </li> <li>(2) Tuberculosis Control: <ul style="list-style-type: none"> <li>(A) Tuberculosis diagnostic and follow-up services for cases, contacts, and suspects which include: <ul style="list-style-type: none"> <li>(i) Medical and epidemiological history;</li> <li>(ii) Assessment of blood pressure, weight, urinalysis, if indicated, and visual acuity and color discrimination, if indicated;</li> <li>(iii) Special investigations, such as Mantoux skin test, chest x-ray, mycobacteriology, and other investigations as indicated.</li> </ul> </li> <li>(B) Tuberculosis treatment services which include: <ul style="list-style-type: none"> <li>(i) Provision of anti-tuberculosis drugs as medically prescribed;</li> <li>(ii) Monthly monitoring of intake and for adverse side effects of anti-tuberculosis drugs by office visit, home visit, or telephone;</li> <li>(iii) Coordination and communication with private medical providers.</li> </ul> </li> </ul> </li> <li>(3) Immunization: <ul style="list-style-type: none"> <li>(A) Providing resources to ensure that all children within the jurisdiction of the local health department receive all vaccines required by law within the time frames established by law.</li> <li>(B) Providing vaccines in clinics, with at least one each month accessible to working parents.</li> <li>(C) Enforcing the immunization law pertaining to day-care facilities, including submitting the immunization records audit form.</li> <li>(D) Assisting local school officials in enforcing the immunization law pertaining to public and private schools (k-12).</li> <li>(E) Ensuring accountability for all doses of vaccine provided by the Division.</li> </ul> </li> <li>(4) Venereal Disease Control: <ul style="list-style-type: none"> <li>(A) Diagnostic testing and examination services for syphilis and gonorrhea shall be available each weekday;</li> <li>(B) Treatment services, both therapeutic and preventive, for reportable venereal disease shall be available each weekday;</li> <li>(C) Counseling and education designed to influence disease intervention and prevention behaviors, particularly that designed to enlist patient cooperation in referring sex partners for examination and treatment, shall be available each weekday;</li> <li>(D) Follow-up and referral of persons with positive venereal disease laboratory tests shall be available each weekday.</li> </ul> </li> </ul> <p>(b) A local health department shall establish, implement, and maintain written policies for the provision of communicable disease control</p>
---	----------------	---

**At A Glance: State Mandated Services Regulations**

		education services to the community, health care personnel, and patients. The services shall include provision of clinic schedules, information on communicable disease reporting, and other communicable disease control information to local medical organizations, veterinarians, animal control officers, health care providers, and the media, as appropriate.
Vital Records .0125	Provide	<p>(a) A local health department shall provide vital records services within the jurisdiction of the local health department. The local health director shall serve as the local registrar and shall perform the duties of that office as prescribed by law. A local health department shall establish, implement, and maintain written policies which shall include:</p> <ol style="list-style-type: none"> <li>(1) Procedures for reporting flagrant, willful violations of the vital records law and reporting known vital events for which a certificate has not been obtained.</li> <li>(2) A file of all vital records laws, rules, and instructions issued by the state registrar.</li> <li>(3) Procedures for the examination of birth, death, and fetal death certificates for accuracy and completeness.</li> <li>(4) Procedures for returning incomplete or inaccurate certificates to or querying the persons responsible for filing them for completion and correction.</li> </ol> <p>(b) A local health department shall establish, implement, and maintain written policies for obtaining vital records education services from the State Registrar's Office for local registration personnel, hospital administrators, and their medical records personnel, funeral directors, medical examiners, and others involved in the registration system. The policies shall include provisions for orientation of new deputy registrars, subregistrars, and back-up health department personnel.</p>
Laboratory	Ensure	<p>A local health department shall provide, contract for the provision of, or certify the availability of public health laboratory services appropriate to the activities of the Department for all individuals within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:</p> <ol style="list-style-type: none"> <li>(1) A description of the public health laboratory services provided by the local health department, a copy of a contract for the provision of public health laboratory services, or a certification of availability of public health laboratory services. These public health laboratory services shall include: <ol style="list-style-type: none"> <li>(a) Clinical tests to aid in the diagnosis and treatment of diseases and conditions.</li> <li>(b) Clinical tests to monitor the response to treatment.</li> <li>(c) Clinical tests to screen for asymptomatic diseases and conditions.</li> <li>(d) Analyses required for environmental activities of the local health department.</li> </ol> </li> <li>(2) An identification of one person to manage the laboratory services program.</li> <li>(3) A description of fees, if any, for public health laboratory services provided by the local health department.</li> <li>(4) A standard operating procedures manual which contains standardized protocols and describes quality control requirements for all procedures performed by the local health department.</li> <li>(5) An assurance that persons performing tests and analyses have demonstrable skill and competence in achieving accuracy and precision of tests and analyses.</li> <li>(6) Provisions for adequate space and facilities.</li> <li>(7) A description of the laboratory records system. The system shall include documentation of quality control.</li> <li>(8) Provisions for the protection of the safety of staff, patients, clients, and the general public regarding specimen collection, laboratory operations, and disposal of wastes.</li> <li>(9) A description of eligibility criteria, if any, for public health laboratory services provided by the local health department.</li> </ol>