

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 672**

**Health & Human Resources Committee Substitute Adopted 6/5/03  
Health & Human Resources Committee Substitute #2 Adopted 6/27/03**

Short Title: Strengthen Public Health Infrastructure. (Public)

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Sponsors:

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Referred to:

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April 2, 2003

A BILL TO BE ENTITLED

1  
2 AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE  
3 PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH  
4 INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND  
5 REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT AND  
6 IMPLEMENTATION OF A STATE PLAN FOR PUBLIC HEALTH SERVICES,  
7 AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE.

8       Whereas, North Carolina has a rich local public health heritage and wishes to  
9 continue that heritage by strengthening the State's public health infrastructure; and

10       Whereas, the public health system must respond to: new serious public health  
11 emergencies, significant changes in population, decreasing funding, and significant  
12 variations in public health protection between counties and regions; and

13       Whereas, the mission of protecting and promoting the health of the public can  
14 most efficiently and effectively be addressed through the coordinated efforts of State  
15 and local public health agencies and the collaboration of the public and private sectors  
16 within the public health system; and

17       Whereas, a consensus for establishing, prioritizing, and implementing  
18 essential public health services and functions can be achieved through a comprehensive  
19 statewide public health plan; and

20       Whereas, the public and private sectors can demonstrate public accountability  
21 and provide high quality services through accreditation, certification, credentialing, and  
22 the implementation of performance standards; Now, therefore,

23 The General Assembly of North Carolina enacts:

24       **SECTION 1.(a)** G.S. 130A-1.1 is repealed.

25       **SECTION 1.(b)** G.S. 130A-2 reads as rewritten:

26 **"§ 130A-2. Definitions.**

27       The following definitions shall apply throughout this Chapter unless otherwise  
28 specified:

- 1 (1) "Commission" means the Commission for Health Services.
- 2 (1a) "Communicable condition" means the state of being infected with a
- 3 communicable agent but without symptoms.
- 4 (1b) "Communicable disease" means an illness due to an infectious agent or
- 5 its toxic products which is transmitted directly or indirectly to a person
- 6 from an infected person or animal through the agency of an
- 7 intermediate animal, host, or vector, or through the inanimate
- 8 environment.
- 9 (2) "Department" means the Department of Health and Human Services.
- 10 (2a) "Essential public health services and functions" means those services
- 11 and functions listed in G.S. 130A-2.3.
- 12 (3) "Imminent hazard" means a situation that is likely to cause an
- 13 immediate threat to human life, an immediate threat of serious physical
- 14 injury, an immediate threat of serious adverse health effects, or a
- 15 serious risk of irreparable damage to the environment if no immediate
- 16 action is taken.
- 17 (3a) "Isolation authority" means the authority to issue an order to limit the
- 18 freedom of movement or action of a person or animal with a
- 19 communicable disease or communicable condition for the period of
- 20 communicability to prevent the direct or indirect conveyance of the
- 21 infectious agent from the person or animal to other persons or animals
- 22 who are susceptible or who may spread the agent to others.
- 23 (4) "Local board of health" means a district board of health or a public
- 24 health authority board or a county board of health.
- 25 (5) "Local health department" means a district health department or a
- 26 public health authority or a county health department.
- 27 (6) "Local health director" means the administrative head of a local health
- 28 department appointed pursuant to this Chapter.
- 29 (6a) "Local public health agency" means a local health director, a local
- 30 board of health, and a local health department.
- 31 ~~(6a)~~(6b) "Outbreak" means an occurrence of a case or cases of a disease in a
- 32 locale in excess of the usual number of cases of the disease.
- 33 (7) "Person" means an individual, corporation, company, association,
- 34 partnership, unit of local government or other legal entity.
- 35 (7a) "Private sector partner" means nongovernmental persons, including
- 36 community organizations, contractors, educational institutions, health
- 37 care facilities, health insurers, private businesses, media, nonprofit
- 38 organizations, and volunteers, that provide essential public health
- 39 services and functions or work to improve public health outcomes in
- 40 collaboration with the State or a local public health agency.
- 41 (7b) "Public health" means assuring the conditions in which the population
- 42 can be healthy. The term includes population-based or individual
- 43 efforts primarily aimed at the prevention of injury, disease, or
- 44 premature mortality or the promotion of health in the community, such

- 1 as assessing the health needs and status of the community through  
2 public health surveillance and epidemiological research, developing  
3 public health policy, and responding to public health needs and  
4 emergencies.
- 5 (7c) "Public health agency" means a federal, State, or local public health  
6 agency.
- 7 (7d) "Public health infrastructure" means the competencies and resources  
8 that enable public health agencies, in collaboration with other  
9 components of the public health system, to provide essential public  
10 health services and functions throughout the State.
- 11 (7e) "Public health system" means State and local public health agencies  
12 and their public and private sector partners.
- 13 (7f) "Public health workforce" means State and local public health agents  
14 and other persons working within the public health system to provide  
15 essential public health services and functions in the State.
- 16 (7g) "Public sector partner" means international, federal, tribal, or other  
17 State or local governments and their public health agencies that  
18 provide essential public health services and functions or work to  
19 improve public health outcomes with a State or local public health  
20 agency.
- 21 ~~(7a)~~(7h) "Quarantine authority" means the authority to issue an order to limit  
22 the freedom of movement or action of persons or animals which have  
23 been exposed to or are reasonably suspected of having been exposed to  
24 a communicable disease or communicable condition for a period of  
25 time as may be necessary to prevent the spread of that disease.  
26 Quarantine authority also means the authority to issue an order to limit  
27 access by any person or animal to an area or facility that may be  
28 contaminated with an infectious agent. The term also means the  
29 authority to issue an order to limit the freedom of movement or action  
30 of persons who have not received immunizations against a  
31 communicable disease when the State Health Director or a local health  
32 director determines that the immunizations are required to control an  
33 outbreak of that disease.
- 34 (8) "Secretary" means the Secretary of Health and Human Services.
- 35 (8a) "State public health agency" means the Commission for Health  
36 Services, the Department of Health and Human Services, and the  
37 Department of Environment and Natural Resources to the extent that  
38 the Department of Environment and Natural Resources has jurisdiction  
39 to protect the public's health.
- 40 (9) "Unit of local government" means a county, city, consolidated  
41 city-county, sanitary district or other local political subdivision,  
42 authority or agency of local government.

1 (10) "Vital records" means birth, death, fetal death, marriage, annulment  
2 and divorce records registered under the provisions of Article 4 of this  
3 Chapter."

4 **SECTION 1.(c)** Part 1 of Article 1 of Chapter 130A of the General Statutes  
5 is amended by adding the following new sections to read:

6 **"§ 130A-2.1. Policy statement; responsibilities of State and local government.**

7 (a) The policy of the State is to protect and promote the health of the public to  
8 the greatest extent possible through the public health system while respecting individual  
9 rights to bodily integrity, health information privacy, nondiscrimination, due process,  
10 and other legally protected interests.

11 (b) The State and counties are responsible for assuring that the public health  
12 system accomplishes the mission of public health.

13 (c) State and local public health agencies shall encourage collaboration with  
14 public and private sector partners within the public health system to provide essential  
15 public health services and functions listed in G.S. 130A-2.3.

16 **"§ 130A-2.2. Accreditation of State and local public health agencies.**

17 (a) Not later than January 1, 2005, all local public health agencies shall be  
18 accredited. Accreditation shall be conditioned upon the local public health agency's  
19 capacity to provide all essential public health services and functions listed in G.S.  
20 130A-2.3 in a manner that promotes quality of services and financial sustainability.

21 (b) The State public health agency shall obtain an accreditation directed at the  
22 duties and functions of a state-level public health agency from a national accrediting  
23 body.

24 **"§ 130A-2.3. Essential public health services and functions.**

25 (a) State and local public health agencies shall provide the following essential  
26 public health services and functions:

27 (1) Monitor health status to identify and solve community health  
28 problems.

29 (2) Mobilize public and private sector collaboration and action to identify  
30 and solve health problems.

31 (3) Diagnose and investigate health problems and health hazards in the  
32 community.

33 (4) Inform people about health issues.

34 (5) Develop policies and plans that support individual and community  
35 health efforts.

36 (6) Enforce laws and regulations that protect health and ensure a safe and  
37 healthful environment.

38 (7) Promote access to and availability of needed personal health care  
39 services and collaborate with other public and private sector partners  
40 to promote or provide preventative and primary health care services  
41 according to identified community needs. For the purposes of this  
42 subdivision, preventative and primary health care services include  
43 acute and episodic care, prenatal and postpartum care, child health,  
44 family planning, school health, chronic disease prevention, child and

1 adult immunization, dental health, nutrition, and health education and  
2 promotion services.

3 (8) Monitor and ensure the competency of the State and local public health  
4 workforce.

5 (9) Evaluate effectiveness, accessibility, and quality of personal and  
6 population-based health services.

7 (10) Conduct research to identify new insights and innovative solutions to  
8 health problems.

9 (11) Promote the availability and accessibility of quality health care  
10 services through health care facilities or providers.

11 (12) Establish and maintain an effective public health preparedness and  
12 response capacity for all hazards.

13 (b) The essential public health services and functions listed in subsection (a) of  
14 this section shall not be construed to limit or restrict the powers and duties of the  
15 Commission, the Department, rules adopted by local boards of health, or the  
16 Department of Environment and Natural Resources as otherwise conferred by State  
17 law."

18 **SECTION 2.(a)** Every county, through its local public health agency, shall  
19 develop local priorities for public health. These priorities shall be the basis for  
20 development of a State Plan for Public Health Services. To ensure the involvement of  
21 consumers and providers and other interested parties in the development of priorities the  
22 local board of health and board of county commissioners shall hold a public hearing  
23 with notice published at least 10 days prior to the hearing. The priorities shall include  
24 the following:

25 (1) A description of the demographics and health indicators of the  
26 population being served by the local public health agency.

27 (2) A description of the numbers and types of professionals in the local  
28 public health workforce.

29 (3) A description of the local public health workforce training needs.

30 (4) A description of how the local public health agency is accountable to  
31 the public in ensuring the provision of essential public health services  
32 and functions.

33 (5) A description of how the local public health agency provides the  
34 necessary leadership to ensure that public health services are managed,  
35 monitored, and of the highest quality possible.

36 (6) A description of how the local public health agency manages its  
37 finances and accounts for expenditures of State, local, and all other  
38 sources of revenue.

39 (7) Identification of public and private sector partners.

40 (8) A description of how the local public health agency will coordinate  
41 with the State public health agency and others within the local public  
42 health system to accomplish identified priorities.

43 (9) Other matters necessary to effectively and efficiently provide essential  
44 public health services and functions by a local public health agency.

1 At the request of a county, the State public health agency shall provide technical  
2 assistance to the county in developing the priorities required under this subsection.  
3 Every county shall submit its priorities to the Secretary of Health and Human Services  
4 not later than January 1, 2004.

5 **SECTION 2.(b)** Part 1 of Article 1 of Chapter 130A of the General Statutes,  
6 as amended by Section 1(c) of this act, is amended by adding the following new section  
7 to read:

8 **"§ 130A-2.4. State Plan for Public Health Services.**

9 (a) The Secretary shall develop and implement a State Plan for Public Health  
10 Services. The State Plan shall cover five years and shall be reviewed annually in  
11 consultation with the planning committee. Future plans shall be developed every five  
12 years. The State Plan shall address the following:

13 (1) The vision and mission of the State Public Health System.

14 (2) Strategies for strengthening and maintaining stability of the public  
15 health infrastructure, including the following:

16 a. Comprehensive planning and setting of priorities for the  
17 efficient and effective accomplishment of essential public  
18 health services and functions.

19 b. Management standards for the State and local public health  
20 workforce that are tied to improvements in public health  
21 outcomes or other measures.

22 In developing strategies under this subdivision, the Secretary shall  
23 consult with and utilize national guidelines, initiatives, programs, and  
24 recommendations relating to improvements in public health  
25 infrastructure that are consistent with accomplishing the mission of  
26 public health in the State.

27 (3) Strategies for strengthening the competencies of the State and local  
28 public health workforce, including performance standards, measures,  
29 and processes for quality or performance improvement that are  
30 accessible, affordable, and nonpunitive. These strategies shall include  
31 all of the following:

32 a. Certification or credentialing programs that are consistent with  
33 any approved and recognized system of public health workforce  
34 certification or credentialing and that are designed to develop  
35 knowledge, skills, and abilities in relevant and contemporary  
36 public health practice areas.

37 1. Basic, core, or technical competencies for public health  
38 workers;

39 2. Professional codes for public health professionals.

40 b. Continuing education or other tools for ongoing training of  
41 public health practitioners within the public health system.

42 c. Minimal training requirements for individuals that provide  
43 essential public health services.

- 1           d.    Incentives to meet performance management or training  
2           requirements, including:  
3           1.    Organizational accountability awards.  
4           2.    Accreditation recognition for public health agencies or  
5           their contractors or volunteers.  
6           3.    Certification or credentialing titles or recognition for  
7           individuals.  
8           4.    Other career development initiatives, including financial  
9           benefits.  
10          e.    A framework for the evaluation of the performance of the State  
11          and local public health agency workforce.  
12          f.    Standards to evaluate the effectiveness and delivery of training  
13          programs, continuing education, and other tools.  
14          (4)   Priorities and goals for the State Public Health System concerning  
15          public health outcomes and improvements. These priorities and goals  
16          shall reflect local public health agency priorities and goals and shall  
17          include the following:  
18          a.    Identification and quantification of existing public health  
19          problems, disparities, or threats at the State and local levels.  
20          b.    Identification of areas needing greater resource allocation to  
21          effectively combat public health threats or decrease disparities  
22          in the provision of essential public health services and  
23          functions.  
24          c.    Goals for targeting essential public health services and  
25          functions to address prioritized public health problems,  
26          disparities, or threats through program development,  
27          implementation, and evaluation and specific recommendations,  
28          strategies, and schedules for meeting these goals.  
29          d.    Identification of specific at-risk populations targeted, including  
30          criteria for identifying targeted populations.  
31          e.    Goals for increasing the efficiency and effectiveness of the  
32          public health system and specific recommendations, strategies,  
33          and schedules for meeting these goals.  
34          f.    Strategies for coordinating service delivery within the public  
35          health system.  
36          g.    Measurable indicators of effectiveness and success.  
37          h.    Identification of public and private sector partners.  
38          (5)   A plan to identify resources to provide adequate funding to provide  
39          essential public health services and functions.  
40          (6)   An organizational plan for the effective integration and monitoring of  
41          public health and environmental health services.  
42          (7)   Provide a framework for local public health planning.  
43          (b)   The Secretary shall develop the plan in consultation with the planning  
44          committee appointed by the Secretary.

1           **SECTION 2.(c)** The Secretary of Health and Human Services shall appoint  
2 a planning committee to assist in the development of the State Plan for Public Health  
3 Services required by this act. The planning committee shall include representatives of  
4 the Division of Public Health, the Division of Medical Assistance, and the Division of  
5 Mental Health, Developmental Disabilities, and Substance Abuse Services in the  
6 Department of Health and Human Services, local health departments (including district  
7 health departments and rural and urban area health departments), boards of county  
8 commissioners, local boards of health, and consumers, appointed by the Secretary. The  
9 planning committee shall also include four members of the General Assembly, two  
10 appointed by the President Pro Tempore of the Senate, and two appointed by the  
11 Speaker of the House of Representatives. The Secretary shall appoint the chair of the  
12 planning committee. The Secretary shall provide to the Committee the priorities  
13 submitted by local public health agencies for consideration in the development of the  
14 State Plan for Public Health Services. The Secretary shall report to the Joint Legislative  
15 Health Care Oversight Committee on or before May 1, 2004, on the status of the State  
16 Plan for Public Health Services. The Secretary shall adopt a final plan no later than  
17 October 1, 2004.

18           **SECTION 3.(a)** The lead sentence of G.S. 130A-5 reads as rewritten:  
19 "**§ 130A-5. Duties of the Secretary.**

20           ...

21           "**(a)** The Secretary shall have the authority:"

22           **SECTION 3.(b)** G.S. 130A-5, as amended by subsection (a) of this section,  
23 is amended by adding the following new subsection to read:

24           "**(b)** The Secretary shall do the following:

- 25           (1) Identify and provide leadership for the provision of essential public  
26           health services and functions.
- 27           (2) Develop and provide effective training for members of the State and  
28           local public health workforce that is focused on performance-based  
29           standards.
- 30           (3) Evaluate performance management standards and training efforts  
31           within State and local public health agencies.
- 32           (4) Adopt and administer performance measurements within the public  
33           health system as a means of improving the quality of State and local  
34           public health practice and improving system accountability.
- 35           (5) Adopt and administer State and local public health workforce  
36           certification or credentialing programs for members of public health  
37           agencies."

38           **SECTION 4.** The Department of Health and Human Services shall do the  
39 following to prepare for the development and implementation of the State Plan for  
40 Public Health Services:

- 41           (1) Ensure that local public health priorities required under Section 2(a) of  
42           this act are submitted no later than January 1, 2004.
- 43           (2) In consultation with local public health agencies, the State public  
44           health agency shall adopt and administer an accreditation program.



1                   The accreditation program shall be uniformly applied to all local  
2 health agencies. The State public health agency shall provide technical  
3 assistance upon request to assist local health agencies obtain  
4 accreditation.

5           (3) Review all rules currently in effect and adopted by the Commission for  
6 Health Services and the Secretary of Health and Human Services and  
7 identify rules that are inconsistent with this act.

8           (4) Review all oversight and monitoring functions currently implemented  
9 for public health, including environmental health, with respect to the  
10 public health system to determine the effectiveness of the activities on  
11 achieving the intent of this act; improve the oversight and monitoring  
12 functions and activities, if necessary; and identify areas where  
13 additional training is needed and provide it; make recommendations  
14 for an organizational plan to improve effectiveness in the provision of  
15 public health and environmental health services consistent with this  
16 act.

17           (5) Develop service standards, outcomes, and financing strategies  
18 necessary to implement this act.

19           (6) Develop contractual agreements for the provision of technical  
20 assistance by the Department to local public health agencies in the  
21 development of local public health priorities.

22           (7) Report to the Joint Legislative Health Care Oversight Committee on  
23 the Department's readiness to implement the State Plan for Public  
24 Health Services no later than May 1, 2004.

25           **SECTION 5.** The Secretary may utilize new or existing resources during  
26 fiscal year 2003-2004 to initiate the implementation of this act.

27           **SECTION 6.** This act is effective when it becomes law.