

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 72
Health Care Committee Substitute Adopted 2/23/05

Short Title: County Board of Health Membership.

(Public)

Sponsors:

Referred to:

February 8, 2005

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE CERTAIN COUNTIES TO CHANGE COUNTY BOARD
OF HEALTH MEMBERSHIP TO INCLUDE A RESTAURANT OWNER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-35 reads as rewritten:

"§ 130A-35. County board of health; appointment; terms.

(a) A county board of health shall be the policy-making, rule-making and adjudicatory body for a county health department.

(b) The members of a county board of health shall be appointed by the county board of commissioners. The board shall be composed of 11 members. ~~The~~ Except as otherwise provided in subsection (j) of this section, the composition of the board shall reasonably reflect the population makeup of the county and shall include: one physician licensed to practice medicine in this State, one licensed dentist, one licensed optometrist, one licensed veterinarian, one registered nurse, one licensed pharmacist, one county commissioner, one professional engineer, and three representatives of the general public. All members shall be residents of the county. If there is not a licensed physician, a licensed dentist, a licensed optometrist, a licensed veterinarian, a registered nurse, a licensed pharmacist, or a professional engineer available for appointment, an additional representative of the general public shall be appointed. If however, one of the designated professions has only one person residing in the county, the county commissioners shall have the option of appointing that person or a member of the general public.

(c) Except as provided in this subsection, members of a county board of health shall serve three-year terms. No member may serve more than three consecutive three-year terms unless the member is the only person residing in the county who represents one of the professions designated in subsection (b) of this section. The county commissioner member shall serve only as long as the member is a county commissioner. When a representative of the general public is appointed due to the unavailability of a licensed physician, a licensed dentist, a licensed optometrist, a

1 licensed veterinarian, a registered nurse, a licensed pharmacist, or a professional
2 engineer, that member shall serve only until a licensed physician, a licensed dentist, a
3 licensed optometrist, a licensed veterinarian, a registered nurse, a licensed pharmacist,
4 or a professional engineer becomes available for appointment. In order to establish a
5 uniform staggered term structure for the board, a member may be appointed for less
6 than a three-year term.

7 (d) Vacancies shall be filled for any unexpired portion of a term.

8 (e) A chairperson shall be elected annually by a county board of health. The local
9 health director shall serve as secretary to the board.

10 (f) A majority of the members shall constitute a quorum.

11 (g) A member may be removed from office by the county board of
12 commissioners for:

13 (1) Commission of a felony or other crime involving moral turpitude;

14 (2) Violation of a State law governing conflict of interest;

15 (3) Violation of a written policy adopted by the county board of
16 commissioners;

17 (4) Habitual failure to attend meetings;

18 (5) Conduct that tends to bring the office into disrepute; or

19 (6) Failure to maintain qualifications for appointment required under
20 subsection (b) of this section.

21 A board member may be removed only after the member has been given written
22 notice of the basis for removal and has had the opportunity to respond.

23 (h) A member may receive a per diem in an amount established by the county
24 board of commissioners. Reimbursement for subsistence and travel shall be in
25 accordance with a policy set by the county board of commissioners.

26 (i) The board shall meet at least quarterly. The chairperson or three of the
27 members may call a special meeting.

28 (j) The county board of commissioners may, by resolution adopted, change the
29 membership of the county board of health to reduce the number of public members by
30 one and add one member who is a restaurant owner and resident of the county. If a
31 restaurant owner is not available for appointment, a representative of the general public
32 may be appointed to serve until a restaurant owner becomes available for appointment
33 and is appointed. This subsection applies to counties with a population in excess of
34 400,000."

35 **SECTION 2.** This act is effective when it becomes law and applies to
36 appointments to fill a vacancy in public member representation on and after that date.