

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 421**

Introduced by Kauth, 31.

Read first time January 13, 2023

Committee:

- 1 A BILL FOR AN ACT relating to local health directors; to amend sections
- 2 71-1630 and 71-1632, Reissue Revised Statutes of Nebraska; to
- 3 provide procedures for directed health measures; and to repeal the
- 4 original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1630, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 71-1630 (1) When a health department has been established by the  
4 county board of a county and approved by the Department of Health and  
5 Human Services as a county health department, the county board of such  
6 county shall appoint a board of health which shall consist of the  
7 following members: (a) One member of the county board; (b) one dentist;  
8 (c) one physician; and (d) six public-spirited men or women interested in  
9 the health of the community. The physician and dentist shall each serve  
10 an initial term of three years. Three public-spirited men or women shall  
11 each serve an initial term of three years, and three public-spirited men  
12 or women shall each serve an initial term of two years. After the initial  
13 terms of office expire, each new appointment shall be for a term of three  
14 years. Appointments to fill any vacancies shall be for the unexpired term  
15 of the member whose term is being filled by such appointment. A county  
16 association or society of dentists or physicians or its managing board  
17 may submit each year to the county board a list of three persons of  
18 recognized ability in such profession. If such a list is submitted, the  
19 county board, in making an appointment for such profession, shall  
20 consider the names on the list and may appoint one of the persons so  
21 named.

22 (2) When a district health department has been established by a  
23 joint resolution of the county boards of each county in a district health  
24 department, the county boards of such district shall meet and establish a  
25 district board of health with due consideration for a fair and equitable  
26 representation from the entire area to be served. The district board of  
27 health shall consist of the following members: (a) One member of each  
28 county board in the district, (b) at least one physician, (c) at least  
29 one dentist, and (d) one or more public-spirited men or women interested  
30 in the health of the community from each county in the district. One-  
31 third of the members shall be appointed for terms of one year, one-third

1 for terms of two years, and one-third for terms of three years. After  
2 their terms of office expire, each new appointment shall be for a term of  
3 three years. Appointments to fill any vacancies shall be for the  
4 unexpired terms. A county association or society of dentists or  
5 physicians or its managing board may submit each year to the county  
6 boards a list of three persons of recognized ability in such profession.  
7 If such a list is submitted, the county boards, in making an appointment  
8 for such profession, shall consider the names on the list and may appoint  
9 one of the persons so named.

10 (3) Except as provided in subsection (4) of this section, when the  
11 county board of any county and the city council of any city located in  
12 such county have executed an agreement, approved by the Department of  
13 Health and Human Services, for maintaining a city-county health  
14 department, the city and county shall establish a city-county board of  
15 health. It shall consist of the following members selected by a majority  
16 vote of the city council and the county board, with due consideration to  
17 be given in an endeavor to secure a fair and equitable representation  
18 from the entire area to be served: (a) One representative of the county  
19 board, (b) one representative from the city council, (c) one physician,  
20 (d) one dentist, and (e) five public-spirited men or women, not employed  
21 in the health industry or in the health professions, who are interested  
22 in the health of the community. One-third of its members shall be  
23 appointed for terms of one year, one-third for terms of two years, and  
24 one-third for terms of three years. After their terms of office expire,  
25 each new appointment shall be for a period of three years. A county  
26 association or society of dentists or physicians or its managing board  
27 may submit each year to the city council and the county board a list of  
28 three persons of recognized ability in such profession. If such a list is  
29 submitted, the city council and the county board, in making an  
30 appointment for such profession, shall consider the names on the list and  
31 may appoint one of the persons so named.

1           (4)(a) When the county board of any county having a population of  
2 more than two hundred thousand inhabitants and the city council of any  
3 city located in such county have executed an agreement, approved by the  
4 Department of Health and Human Services, for maintaining a city-county  
5 health department on or after January 1, 1997, the city and county shall  
6 establish a city-county board of health. The board shall consist of the  
7 following members to be appointed by the mayor with the consent of the  
8 city council and county board: One representative of the county board,  
9 one representative from the city council, one physician, one dentist, and  
10 five public-spirited persons who are interested in the health of the  
11 community. Three of the members shall be appointed for terms of one year,  
12 three for terms of two years, and three for terms of three years. After  
13 the initial terms of office expire, each successor member shall be  
14 appointed for a term of three years. The physician and dentist members  
15 shall be appointed as provided in this subdivision. The mayor shall  
16 invite the local county association or society of dentists or physicians  
17 or its managing board to timely submit to the mayor a list of three  
18 persons of recognized ability in the profession. A list is timely  
19 submitted if it is submitted within sixty days after the mayor's  
20 invitation. If the list is not timely submitted, the mayor may consider  
21 the list timely submitted at any time prior to making an appointment,  
22 otherwise the mayor shall appoint a person of recognized ability in the  
23 profession. If the list is timely submitted, the mayor shall consider the  
24 names on the list and shall either appoint one of the persons on the list  
25 or invite a list of three new names using the process provided in this  
26 subdivision.

27           (b) The board of health shall, immediately after appointment, meet  
28 and organize by the election of one of its own members as president and  
29 one as vice president. The board members may elect such other officers as  
30 they deem necessary and may adopt and promulgate rules for the guidance  
31 of the board which are not inconsistent with law or the agreement

1 creating the board. If any board member resigns or ceases to meet the  
2 requirements for eligibility on the board, or if there is any other  
3 vacancy on the board, the mayor shall appoint another representative to  
4 serve for the member's unexpired term subject to consent by a majority  
5 vote of both the city council and the county board. Any appointment to  
6 fill a vacancy on the board shall be for the unexpired term of the member  
7 whose vacancy is being filled.

8 (c) The board of health shall have the following duties:

9 (i) Assessment of community health status and available resources  
10 for health matters, including collecting and analyzing relevant data and  
11 annually reporting and making recommendations on improving public health  
12 matters to the mayor, city council, and county board;

13 (ii) Policy development for proposals before the board of health,  
14 the city council, and the county board to support and improve public  
15 health, including appointing, with the approval of the mayor, city  
16 council, and county board, advisory committees to the board of health to  
17 facilitate community development functions and coalition building related  
18 to public health and adopting and approving official health department  
19 policies consistent with applicable law and approved by the affirmative  
20 vote of not less than five board members at a regular meeting of the  
21 board in the following areas:

22 (A) Community health services and health promotion and outreach,  
23 specifically including policies related to the following:

24 (I) Client services and fees;

25 (II) Standing orders, supervision, screening, and emergency and  
26 referral protocols and procedures;

27 (III) Monitoring and reporting; and

28 (IV) Communicable disease investigation, immunization, vaccination,  
29 testing, and prevention measures, including measures to arrest the  
30 progress of communicable diseases;

31 (B) Environmental health, specifically including policies related to

1 the following:

2 (I) Permitting, inspection, and enforcement;

3 (II) Monitoring, sampling, and reporting;

4 (III) Technical assistance and plan review; and

5 (IV) Prevention measures;

6 (C) Investigating and controlling diseases and injury, specifically

7 including policies related to the following:

8 (I) Permitting, inspection, and enforcement;

9 (II) Monitoring, sampling, and reporting;

10 (III) Technical assistance and plan review; and

11 (IV) Prevention measures; and

12 (D) Other health matters as may be requested by the city council or  
13 county board; ~~and~~

14 (iii) Assurance that needed services are available through public or  
15 private sources in the community, including:

16 (A) Acting in an advisory capacity to review and recommend changes  
17 to ordinances, resolutions, and resource allocations before the city  
18 council or county board related to health matters;

19 (B) Annually reviewing and recommending changes in the proposed  
20 budget for resource allocations related to the health department as  
21 provided in the city-county agreement; and

22 (C) Monitoring and reviewing the enforcement of laws and regulations  
23 of the board of health, city council, and county board related to public  
24 health in the community; and -

25 (iv) Make recommendations to the city council or county board  
26 regarding adoption of directed health measures upon advice from the  
27 health director.

28 (d) The mayor of the city shall appoint, with the approval of the  
29 board of health, city council, and county board, the health director of  
30 the health department. The health director shall be a member of the  
31 unclassified service of the city under the direction and supervision of

1 the mayor. The health director shall be well-trained in public health  
2 work, but he or she need not be a graduate of an accredited medical  
3 school. If the health director is not a graduate of an accredited medical  
4 school, the health director shall be assisted at least part time by at  
5 least one medical consultant who is a licensed physician. The mayor shall  
6 submit the health department budget to the city council and county board.  
7 The mayor shall also provide budget information to the board of health  
8 with sufficient time to allow such board to consider such information.  
9 The mayor may enter into contracts and accept grants on behalf of the  
10 health department. The mayor may terminate the health director with  
11 approval of a majority vote of the city council, the county board, and  
12 the board of health. The health director shall:

13 (i) Provide administrative supervision of the health department;

14 (ii) Make all necessary sanitary and health investigations and  
15 inspections;

16 (iii) Investigate the existence of any contagious or infectious  
17 disease, advise the board of health regarding adoption of and adopt  
18 measures to arrest the progress of the disease, issue and enforce  
19 directed health measures upon adoption by the city council or the county  
20 board;

21 (iv) Distribute free, as the local needs may require, all vaccines,  
22 drugs, serums, and other preparations obtained from the Department of  
23 Health and Human Services or otherwise provided for public health  
24 purposes;

25 (v) Give professional advice and information to school authorities  
26 and other public agencies on all matters pertaining to sanitation and  
27 public health;

28 (vi) Inform the board of health when the city council or county  
29 board is considering proposals related to health matters or has otherwise  
30 requested recommendations from the board of health;

31 (vii) Inform the board of health of developments in the field of

1 public health and of any need for updating or adding to or deleting from  
2 the programs of the health department; and

3 (viii) Perform duties and functions as otherwise provided by law.

4 Sec. 2. Section 71-1632, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 71-1632 Except as provided in subsection (4) of section 71-1630, the  
7 health director of a county, district, or city-county health department  
8 shall have the power and duty to (1) be the executive officer of the  
9 local boards of health; (2) appoint, subject to any applicable county or  
10 city civil service laws, rules, or regulations, a properly functioning  
11 staff and other personnel as may be necessary, whose qualifications shall  
12 conform to the United States Public Health Standards and whose  
13 remuneration shall conform to an established compensation schedule set by  
14 such local board of health and which is reviewed and approved annually by  
15 such board; (3) issue and enforce directed health measures upon adoption  
16 by the city council or the county board; (4) review annually, with the  
17 local board of health, the proposed budget of the department; (5) (4)  
18 organize, with the approval of the local board of health, a citizens'  
19 advisory health council that will aid in developing a public health  
20 program to meet the particular needs, hazards, and problems of the health  
21 district; and (6) (5) organize, with the approval of the local board of  
22 health, a medical and dental advisory committee.

23 Sec. 3. Original sections 71-1630 and 71-1632, Reissue Revised  
24 Statutes of Nebraska, are repealed.