
SECOND SUBSTITUTE HOUSE BILL 1985

State of Washington

61st Legislature

2009 Regular Session

By House Ways & Means (originally sponsored by Representatives Moeller and Pedersen)

READ FIRST TIME 03/03/09.

1 AN ACT Relating to public health financing; amending RCW 43.70.512,
2 43.70.514, 43.70.516, and 43.70.518; adding a new section to chapter
3 43.70 RCW; creating new sections; repealing RCW 43.70.522; providing an
4 effective date; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that public health is
7 a core function of state government. The local health jurisdictions in
8 Washington state's decentralized public health system depend on a
9 combination of federal, state, and local funding. This funding system
10 can make public health funding unstable on the local level and can
11 adversely affect the public health services available to the citizens
12 of the state. It is therefore the intent of the legislature to help
13 provide local health jurisdictions with a more stable dedicated funding
14 system. The legislature further intends that local health
15 jurisdictions receiving state funds be held accountable for the use of
16 those funds based on the minimum standards of public health protection
17 in the state's public health improvement plan.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW
2 to read as follows:

3 (1) Every local health jurisdiction in the state shall
4 substantially comply with the minimum standards for public health
5 protection established under RCW 43.70.520 as a precondition to
6 receiving state funding from:

7 (a) Appropriations to the department for distribution to local
8 health jurisdictions under RCW 43.70.512, 43.70.514, 43.70.516, and
9 43.70.518;

10 (b) Appropriations to the department of community, trade, and
11 economic development for distribution to local health jurisdictions;
12 and

13 (c) Local capacity development funds administered by the
14 department.

15 (2) The secretary shall establish a review process for determining
16 whether a local health jurisdiction is in substantial compliance with
17 the minimum standards for public health protection established under
18 RCW 43.70.520.

19 (3) Except as provided in subsection (6) of this section, the
20 secretary shall use the process established in subsection (2) of this
21 section to review each local health jurisdiction in the state at least
22 once every two years.

23 (4)(a) If the secretary finds that a local health jurisdiction is
24 not in substantial compliance with the minimum standards for public
25 health protection, he or she shall notify the local health jurisdiction
26 in writing.

27 (b) A local health jurisdiction receiving written notice under this
28 subsection shall submit a plan of correction within sixty days. The
29 plan of correction must explain the measures that the jurisdiction will
30 undertake to achieve substantial compliance with the standards within
31 one hundred eighty days.

32 (c) If the secretary determines that the plan of correction is
33 likely to bring the jurisdiction into substantial compliance within one
34 hundred eighty days, he or she shall provide technical assistance to
35 the jurisdiction to help it to successfully complete the plan of
36 correction. If the secretary determines that the plan of correction is
37 not likely to bring the jurisdiction into substantial compliance within
38 one hundred eighty days, he or she shall reject the plan of correction

1 and allow the jurisdiction to revise and resubmit the plan within
2 fifteen days. If the secretary finds that the revised plan of
3 correction is not likely to bring the jurisdiction into substantial
4 compliance within one hundred eighty days, or if the jurisdiction does
5 not resubmit a revised plan within fifteen days, he or she shall take
6 action under subsection (5) of this section.

7 (d) The secretary shall review a local health jurisdiction with an
8 approved plan of correction one hundred eighty days after the approved
9 plan's submission. If the secretary finds that the jurisdiction
10 remains out of substantial compliance after the review required by this
11 subsection (4)(d), he or she shall take action under subsection (5) of
12 this section.

13 (5)(a) When the secretary finds, under subsection (4)(c) or (d) of
14 this section, that a local health jurisdiction is out of substantial
15 compliance with the minimum standards for public health protection
16 established under RCW 43.70.520, the secretary shall:

17 (i) Suspend any distributions made to the local health jurisdiction
18 under RCW 43.70.512, 43.70.514, 43.70.516, and 43.70.518;

19 (ii) Suspend any local capacity development funds due to the local
20 health jurisdiction; and

21 (iii) Notify the department of community, trade, and economic
22 development that the local health jurisdiction is out of compliance.
23 Upon notification under this subsection (5)(a)(iii), the department of
24 community, trade, and economic development shall suspend any
25 distributions due to the jurisdiction until the secretary sends notice
26 that the jurisdiction is back in substantial compliance.

27 (b) The secretary shall review, using the process established under
28 subsection (1) of this section, a jurisdiction subject to suspension
29 under (a) of this subsection no sooner than one hundred eighty days
30 after funding was suspended. If the secretary finds that the
31 jurisdiction remains out of substantial compliance, the secretary shall
32 continue the suspension and review the jurisdiction at intervals of at
33 least one hundred eighty days until the secretary finds that the
34 jurisdiction is in substantial compliance. Once the secretary finds
35 that the jurisdiction is in substantial compliance after a review under
36 this subsection, he or she shall immediately resume the distributions
37 suspended under this subsection. Once the suspension has been lifted

1 the department and the department of community, trade, and economic
2 development shall distribute any moneys the jurisdiction should have
3 received during the period of suspension.

4 (6) The secretary may exempt a local health jurisdiction from the
5 review process required by this section if the jurisdiction is
6 accredited by an organization whose accreditation standards meet or
7 exceed the minimum standards for public health protection established
8 under RCW 43.70.520.

9 NEW SECTION. Sec. 3. (1) By November 1, 2009, each local health
10 jurisdiction shall submit a report to the department of health
11 indicating whether the jurisdiction is in compliance with each of the
12 minimum standards for public health protection established under RCW
13 43.70.520.

14 (2) The department of health shall forward the reports to the
15 governor and the appropriate committees of the legislature no later
16 than December 1, 2009.

17 (3) This section expires January 1, 2010.

18 **Sec. 4.** RCW 43.70.512 and 2007 c 259 s 60 are each amended to read
19 as follows:

20 (1) Protecting the public's health across the state is a
21 fundamental responsibility of the state. With any new state funding of
22 the public health system as appropriated for the purposes of (~~sections~~
23 ~~60 through 65 of this act~~) this section and RCW 43.70.514, 43.70.516,
24 and 43.70.518, the state expects that measurable benefits will be
25 realized to the health of the residents of Washington. A transparent
26 process that shows the impact of increased public health spending on
27 performance measures related to the (~~health outcomes in subsection (2)~~
28 ~~of this section~~) minimum standards for public health protection
29 established under RCW 43.70.520 is of great value to the state and its
30 residents. In addition, a well-funded public health system is expected
31 to become a more integral part of the state's emergency preparedness
32 system.

33 (2) Subject to the availability of amounts appropriated for the
34 purposes of (~~sections 60 through 65 of this act~~) this section and RCW
35 43.70.514, 43.70.516, and 43.70.518, distributions to local health

1 jurisdictions shall be used for core public health functions of
2 statewide significance and shall deliver the following outcomes:

3 (a) Create a disease response system capable of responding at all
4 times;

5 (b) Stop the increase in, and reduce, sexually transmitted disease
6 rates;

7 (c) Reduce vaccine preventable diseases;

8 (d) Build capacity to quickly contain disease outbreaks;

9 (e) Decrease childhood and adult obesity and types I and II
10 diabetes rates, and resulting kidney failure and dialysis;

11 (f) Increase childhood immunization rates;

12 (g) Improve birth outcomes and decrease child abuse;

13 (h) Reduce animal-to-human disease rates; and

14 (i) Monitor and protect drinking water across jurisdictional
15 boundaries.

16 (3) Benchmarks for these outcomes shall be drawn from the national
17 healthy people 2010 goals, other reliable data sets, and any subsequent
18 national goals.

19 **Sec. 5.** RCW 43.70.514 and 2007 c 259 s 61 are each amended to read
20 as follows:

21 The definitions in this section apply throughout (~~sections 60~~
22 ~~through 65 of this act~~) this section and RCW 43.70.512, 43.70.516, and
23 43.70.518 unless the context clearly requires otherwise.

24 (1) "Core public health functions of statewide significance" or
25 "public health functions" means health services that:

26 (a) Address: Communicable disease prevention and response;
27 preparation for, and response to, public health emergencies caused by
28 pandemic disease, earthquake, flood, or terrorism; prevention and
29 management of chronic diseases and disabilities; promotion of healthy
30 families and the development of children; assessment of local health
31 conditions, risks, and trends, and evaluation of the effectiveness of
32 intervention efforts; and environmental health concerns;

33 (b) Promote uniformity in the public health activities conducted by
34 all local health jurisdictions in the public health system, increase
35 the overall strength of the public health system, or apply to broad
36 public health efforts; and

1 (c) If left neglected or inadequately addressed, are reasonably
2 likely to have a significant adverse impact on counties beyond the
3 borders of the local health jurisdiction.

4 (2) "Local health jurisdiction" or "jurisdiction" means a county
5 board of health organized under chapter 70.05 RCW, a health district
6 organized under chapter 70.46 RCW, or a combined city and county health
7 department organized under chapter 70.08 RCW.

8 **Sec. 6.** RCW 43.70.516 and 2007 c 259 s 62 are each amended to read
9 as follows:

10 ~~(1) ((The department shall accomplish the tasks included in~~
11 ~~subsection (2) of this section by utilizing the expertise of varied~~
12 ~~interests, as provided in this subsection.~~

13 ~~(a) In addition to the perspectives of local health jurisdictions,~~
14 ~~the state board of health, the Washington health foundation, and~~
15 ~~department staff that are currently engaged in development of the~~
16 ~~public health services improvement plan under RCW 43.70.520, the~~
17 ~~secretary shall actively engage:~~

18 ~~(i) Individuals or entities with expertise in the development of~~
19 ~~performance measures, accountability and systems management, such as~~
20 ~~the University of Washington school of public health and community~~
21 ~~medicine, and experts in the development of evidence-based medical~~
22 ~~guidelines or public health practice guidelines; and~~

23 ~~(ii) Individuals or entities who will be impacted by performance~~
24 ~~measures developed under this section and have relevant expertise, such~~
25 ~~as community clinics, public health nurses, large employers, tribal~~
26 ~~health providers, family planning providers, and physicians.~~

27 ~~(b) In developing the performance measures, consideration shall be~~
28 ~~given to levels of performance necessary to promote uniformity in core~~
29 ~~public health functions of statewide significance among all local~~
30 ~~health jurisdictions, best scientific evidence, national standards of~~
31 ~~performance, and innovations in public health practice. The~~
32 ~~performance measures shall be developed to meet the goals and outcomes~~
33 ~~in RCW 43.70.512. The office of the state auditor shall provide advice~~
34 ~~and consultation to the committee to assist in the development of~~
35 ~~effective performance measures and health status indicators.~~

36 ~~(c) On or before November 1, 2007, the experts assembled under this~~
37 ~~section shall provide recommendations to the secretary related to the~~

1 ~~activities and services that qualify as core public health functions of~~
2 ~~statewide significance and performance measures. The secretary shall~~
3 ~~provide written justification for any departure from the~~
4 ~~recommendations.~~

5 ~~(2))~~ By January 1, 2008, the department shall~~((+)~~

6 ~~(a))~~ adopt a prioritized list of activities and services performed
7 by local health jurisdictions that qualify as core public health
8 functions of statewide significance as defined in RCW 43.70.514~~((+)~~ and

9 ~~(b)~~ ~~Adopt appropriate performance measures with the intent of~~
10 ~~improving health status indicators applicable to the core public health~~
11 ~~functions of statewide significance that local health jurisdictions~~
12 ~~must provide)).~~

13 ~~((+3))~~ (2) The secretary may revise the list of activities ~~((and~~
14 ~~the performance measures))~~ in future years as appropriate. Prior to
15 modifying ~~((either))~~ the list ~~((or the performance measures))~~, the
16 secretary must provide a written explanation of the rationale for such
17 changes.

18 ~~((+4))~~ (3) The department and the local health jurisdictions shall
19 abide by the prioritized list of activities and services ~~((and the~~
20 ~~performance measures developed pursuant to this section))~~.

21 ~~((+5))~~ (4) The department, in consultation with representatives of
22 county governments, shall provide local jurisdictions with financial
23 incentives to encourage and increase local investments in core public
24 health functions. ~~((The local jurisdictions shall not supplant~~
25 ~~existing local funding with such state incented resources.))~~

26 **Sec. 7.** RCW 43.70.518 and 2007 c 259 s 63 are each amended to read
27 as follows:

28 Beginning November 15, ~~((2009))~~ 2010, the department shall report
29 to the legislature and the governor annually on the distribution of
30 funds to local health jurisdictions under ~~((sections 60 through 65 of~~
31 ~~this act))~~ this section and RCW 43.70.512, 43.70.514, and 43.70.516 and
32 the use of those funds. The ~~((initial))~~ reports must discuss the
33 ~~((performance measures adopted by the secretary and any impact the~~
34 ~~funding in chapter 259, Laws of 2007 has had on local health~~
35 ~~jurisdiction performance and health status indicators. Future reports~~
36 ~~shall evaluate))~~ impact the funds have had on local health
37 jurisdictions' ability to meet the minimum standards for public health

1 protection established under RCW 43.70.520 as well as trends in
2 performance over time and the effects of expenditures on performance
3 over time.

4 NEW SECTION. **Sec. 8.** RCW 43.70.522 (Public health performance
5 measures--Assessing the use of funds--Secretary's duties) and 2007 c
6 259 s 65 are each repealed.

7 NEW SECTION. **Sec. 9.** Section 2 of this act takes effect July 1,
8 2011.

--- END ---