

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 203

Introduced by Kauth, 31.

Read first time January 14, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend
- 2 sections 71-1626, 71-1630, and 71-1632, Reissue Revised Statutes of
- 3 Nebraska; to define terms; to change powers and duties of health
- 4 directors as prescribed; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-1626, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-1626 For purposes of sections 71-1626 to 71-1636:

4 (1) Community-wide directed health measure means a public health
5 action or intervention by a local public health department involving the
6 total population of the jurisdiction of such local public health
7 department when there are no known epidemiological links;

8 (2) (1) Core public health functions means assessment, policy
9 development, and assurance designed to protect and improve the health of
10 persons within a geographically defined community by (a) emphasizing
11 services to prevent illness, disease, and disability, (b) promoting
12 effective coordination and use of community resources, and (c) extending
13 health services into the community, including public health nursing,
14 disease prevention and control, public health education, and
15 environmental health services;

16 (3) (2) County, district, or city-county health department means a
17 governmental entity approved by the Department of Health and Human
18 Services as a local full-time public health service which (a) utilizes
19 local, state, federal, and other funds or any combination thereof, (b)
20 employs qualified public health medical, nursing, environmental health,
21 health education, and other essential personnel who work under the
22 direction and supervision of a full-time qualified medical director or of
23 a full-time qualified lay administrator and are assisted at least part
24 time by at least one medical consultant who shall be a licensed
25 physician, and (c) is operated in conformity with the rules, regulations,
26 and policies of the Department of Health and Human Services. The medical
27 director or lay administrator shall be called the health director; ~~and~~

28 (4) Epidemiological link means an instance in which an individual
29 may have had exposure to a communicable disease and exposure through
30 known modes of transmission is plausible. An exposure may be considered
31 epidemiologically linked if at least one entity in the chain of

1 transmission is a contact or a confirmed, probable, or suspect case; and

2 (5) ~~(3)~~ Local public health department means a county, district, or
3 city-county health department.

4 **Sec. 2.** Section 71-1630, Reissue Revised Statutes of Nebraska, is
5 amended to read:

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

25 (2) When a district health department has been established by a
26 joint resolution of the county boards of each county in a district health
27 department, the county boards of such district shall meet and establish a
28 district board of health with due consideration for a fair and equitable
29 representation from the entire area to be served. The district board of
30 health shall consist of the following members: (a) One member of each
31 county board in the district, (b) at least one physician, (c) at least

1 one dentist, and (d) one or more public-spirited men or women interested
2 in the health of the community from each county in the district. One-
3 third of the members shall be appointed for terms of one year, one-third
4 for terms of two years, and one-third for terms of three years. After
5 their terms of office expire, each new appointment shall be for a term of
6 three years. Appointments to fill any vacancies shall be for the
7 unexpired terms. A county association or society of dentists or
8 physicians or its managing board may submit each year to the county
9 boards a list of three persons of recognized ability in such profession.
10 If such a list is submitted, the county boards, in making an appointment
11 for such profession, shall consider the names on the list and may appoint
12 one of the persons so named.

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

1 submitted, the city council and the county board, in making an
2 appointment for such profession, shall consider the names on the list and
3 may appoint one of the persons so named.

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

30 (b) The board of health shall, immediately after appointment, meet
31 and organize by the election of one of its own members as president and

1 one as vice president. The board members may elect such other officers as
2 they deem necessary and may adopt and promulgate rules for the guidance
3 of the board which are not inconsistent with law or the agreement
4 creating the board. If any board member resigns or ceases to meet the
5 requirements for eligibility on the board, or if there is any other
6 vacancy on the board, the mayor shall appoint another representative to
7 serve for the member's unexpired term subject to consent by a majority
8 vote of both the city council and the county board. Any appointment to
9 fill a vacancy on the board shall be for the unexpired term of the member
10 whose vacancy is being filled.

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

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

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

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

27 (I) Client services and fees;

28 (II) Standing orders, supervision, screening, and emergency and
29 referral protocols and procedures;

30 (III) Monitoring and reporting; and

31 (IV) Communicable disease investigation, immunization, vaccination,

1 testing, and prevention measures, including measures to arrest the
2 progress of communicable diseases;

3 (B) Environmental health, specifically including policies related to
4 the following:

5 (I) Permitting, inspection, and enforcement;

6 (II) Monitoring, sampling, and reporting;

7 (III) Technical assistance and plan review; and

8 (IV) Prevention measures;

9 (C) Investigating and controlling diseases and injury, specifically
10 including policies related to the following:

11 (I) Permitting, inspection, and enforcement;

12 (II) Monitoring, sampling, and reporting;

13 (III) Technical assistance and plan review; and

14 (IV) Prevention measures; and

15 (D) Other health matters as may be requested by the city council or
16 county board; and

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

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

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

25 (C) Monitoring and reviewing the enforcement of laws and regulations
26 of the board of health, city council, and county board related to public
27 health in the community.

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. The health director shall receive written approval by a majority
18 of the publicly elected representatives of the county board and city
19 council who are appointed to the city-county health department pursuant
20 to subdivision (4)(a) of this section for community-wide directed health
21 measures prior to issuance of such measures. Such directed health
22 measures shall be submitted to the city-county board of health for
23 ratification at the next regularly scheduled meeting of the board and
24 adopt measures to arrest the progress of the disease;

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

29 (v) Give professional advice and information to school authorities
30 and other public agencies on all matters pertaining to sanitation and
31 public health;

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

4 (vii) Inform the board of health of developments in the field of
5 public health and of any need for updating or adding to or deleting from
6 the programs of the health department; and

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

8 **Sec. 3.** Section 71-1632, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 71-1632 ~~The Except as provided in subsection (4) of section 71-1630,~~
11 the health director of a county, district, or city-county health
12 department shall have the power and duty to (1) be the executive officer
13 of the local boards of health; (2) appoint, subject to any applicable
14 county or city civil service laws, rules, or regulations, a properly
15 functioning staff and other personnel as may be necessary, whose
16 qualifications shall conform to the United States Public Health Standards
17 and whose remuneration shall conform to an established compensation
18 schedule set by such local board of health and which is reviewed and
19 approved annually by such board; (3) issue and enforce community-wide
20 directed health measures. The health director shall receive approval of
21 such directed health measures in writing prior to issuance by a majority
22 of the publicly elected representatives of the county board or, in the
23 case of a city-county health department, written approval by a majority
24 of the publicly elected representatives of the city council, and such
25 directed health measures shall be submitted to the board of health for
26 ratification at the next regularly scheduled meeting of the board; (4)
27 (3) review annually, with the local board of health, the proposed budget
28 of the department; (5) (4) organize, with the approval of the local board
29 of health, a citizens' advisory health council that will aid in
30 developing a public health program to meet the particular needs, hazards,
31 and problems of the health district; and (6) (5) organize, with the

1 approval of the local board of health, a medical and dental advisory
2 committee.

3 **Sec. 4.** Original sections 71-1626, 71-1630, and 71-1632, Reissue
4 Revised Statutes of Nebraska, are repealed.