
Overview of Oregon Public Health Statutes

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CLHO Lunch and Learn
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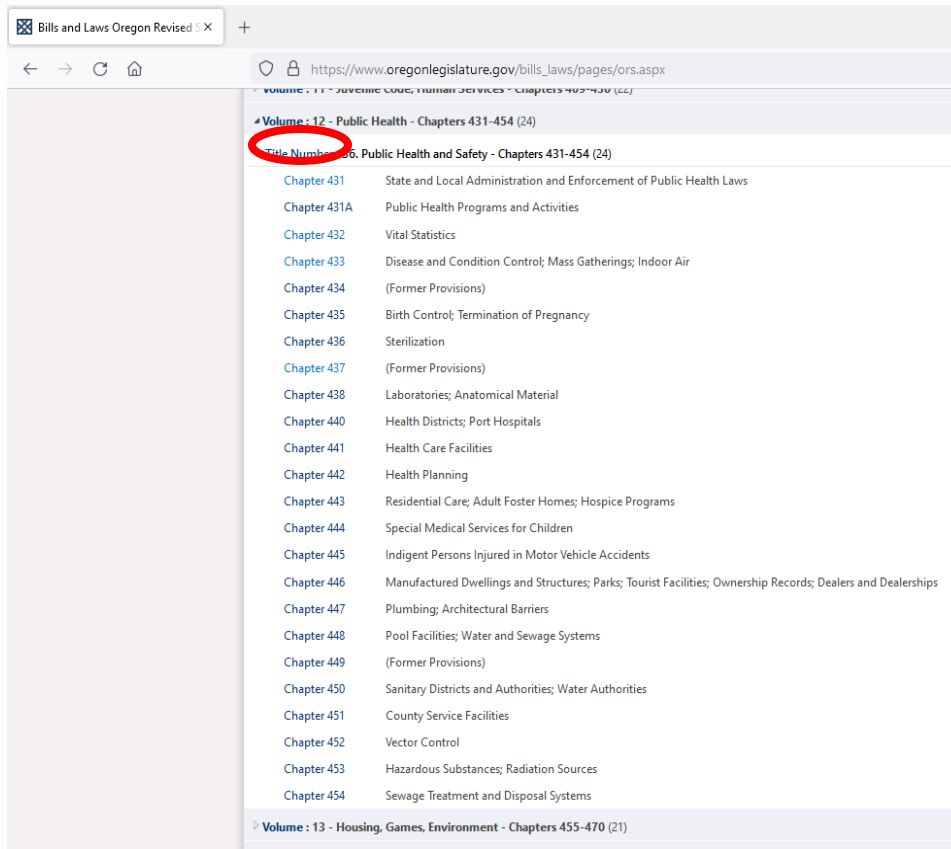


What We'll Cover Today

- General overview of Public Health ORS Structure
- General overview of Public Health Rules
- Public Health Modernization related statutes
- Other key public health statutes
- Myths v. Facts

Oregon Revised Statutes – Public Health ORS Volume 12

https://www.oregonlegislature.gov/bills_laws/pages/ors.aspx



OFFICE OF THE STATE PUBLIC HEALTH DIRECTOR
Public Health Division



State and Local Administration and Enforcement of PH Laws (ORS 431)

- Definitions
 - LPHA
 - Governing Body of LPHA
 - Local Health Officer
- OHA public health functions, powers and administrative duties
- State public health officer
- Public Health Advisory Board membership and duties
- Foundational capabilities and programs; Other public health programs
- Enforcement of public health laws – OHA and LPH Administrators
- Conference of Local Health Officials

State and Local Administration and Enforcement of PH Laws (ORS 431)

- Conference of Local Health Officials
- Funding of LPHAs and Transfer of LPHA
- LPHA powers and duties
- Governing body duties
- Local public health administrator duties and salary
- Local public health officer role
- Health district formation
- Local public health advisory boards

Foundational Capabilities

ORS 431.131

Assessment and
epidemiology
ORS 431.132

Emergency
preparedness and
response
ORS 431.133

Communications
ORS 431.134

Policy and
planning
ORS 431.135

Leadership and
organizational
competencies
ORS 431.136

Health equity and
cultural
responsiveness
ORS 431.137

Community
Partnerships
ORS 431.138

Vision:
Apply the principles and skilled
practice of epidemiology,
laboratory investigation and
program evaluation to support
planning, policy and decision-
making for Oregon's
governmental public health
system.

Vision:
A healthy community is a
resilient community, which is
prepared and able to respond to
and recover from public health
threats and emergencies.

Vision:
Governmental public health is a
trusted source of clear,
consistent, accurate and timely
health information.
Governmental public health
consistently uses health
communication strategies,
interventions and tools to
eliminate health disparities and
achieve equity.

Vision:
The public health system will
implement policy, systems and
environmental changes to meet
the community's changing
needs and align with state and
federal policies. Public health
policy, systems and
environmental changes will
eliminate health disparities,
reduce leading causes of death
and disability and improve
health outcomes for all people
in Oregon.

Vision:
Provide team-based leadership
within the state or local public
health authority that defines
the strategic direction needed
to achieve public health goals.
This leadership will guide
stakeholders to accomplish
those goals.

Vision:
Ensure equal opportunity to
achieve the highest attainable
level of health for all
populations through policies,
programs and strategies that
respond to the cultural factors
that affect health. Correct
historic injustices borne by
certain populations. Prioritize
development of strong cultural
responsiveness by public health
organizations.

Vision:
Relationships with diverse
partners allow the
governmental public health
system to define and achieve
collaborative public health
goals.

Slide Last updated 10/15/2022

Foundational Programs

ORS 431.141

Communicable
disease
ORS 431.142

Vision: Ensure everyone in Oregon
is protected from communicable
disease threats.

Environmental
health
ORS 431.143

Vision: Environmental health works
to prevent disease and injury,
eliminate the disparate impact of
environmental health risks and
threats on population subgroups,
and create health-supportive
environments where everyone in
Oregon can thrive.

Injury and disease
and promotion of
health
ORS 431.144

Vision: The public health system
prevents and reduces harms from
chronic diseases and injuries
through policy change, enhanced
community systems and improved
health equity to support the health
and development of people in
Oregon across the lifespan.

Clinical
preventive
services
ORS 431.145

Vision: Ensure people in Oregon
receive recommended clinical
preventive services that are
cost-effective.

Slide Last updated 10/15/2022

Oregon Administrative Rules – Public Health (OAR Chapter 333)

<https://secure.sos.state.or.us/oard/ruleSearch.action>

The screenshot shows a web browser window with the URL <https://secure.sos.state.or.us/oard/displayChapterRules.action>. The page title is "Oregon Health Authority" and the sub-page is "Public Health Division - Chapter 333". A navigation menu includes "Home", "Business", "Voting", "Elections", "State Archives", and "Audits". A sidebar on the left contains links for "OARD Home", "Search Current Rules", "Search Filings", "Access the Oregon Bulletin", "Access the Annual Compilation", "FAQ", and "Rules Coordinator / Rules Writer Login". The main content area lists 14 divisions, with "Division 14 - STANDARDS FOR STATE AND LOCAL PUBLIC HEALTH AUTHORITIES" circled in red.

- Division 2 - STANDARDS FOR HEALTH CARE INTERPRETER REGISTRY ENROLLMENT AND REQUIREMENTS TO WORK WITH QUALIFIED OR CERTIFIED HEALTH CARE INTERPRETERS
- Division 3 - PUBLIC HEALTH PREPAREDNESS
- Division 4 - OREGON REPRODUCTIVE HEALTH PROGRAM
- Division 6 - UNIVERSALLY OFFERED NEWBORN NURSE HOME VISITING PROGRAM
- Division 7 - MARIJUANA AND HEMP TESTING
- Division 8 - MEDICAL MARIJUANA
- Division 9 - REPORTING REQUIREMENTS OF THE OREGON DEATH WITH DIGNITY ACT
- Division 10 - HEALTH PROMOTION AND CHRONIC DISEASE PREVENTION
- Division 11 - VITAL STATISTICS
- Division 12 - FOOD, POOL AND LODGING PROGRAM STANDARDS
- Division 13 - CHEMICAL ANALYSIS FOR ALCOHOLIC CONTENT OF BLOOD
- Division 14 - STANDARDS FOR STATE AND LOCAL PUBLIC HEALTH AUTHORITIES

Oregon Administrative Rules – Public Health (OAR Chapter 333, Division 14)

The screenshot shows a web browser window with the URL <https://secure.sos.state.or.us/oard/displayChapterRules.action>. The page displays a list of administrative rule divisions. Division 14, "STANDARDS FOR STATE AND LOCAL PUBLIC HEALTH AUTHORITIES", is highlighted with a red circle. Below the division name, a list of specific rules is shown, including 333-014-0510 through 333-014-0590. The rules listed are:

- 333-014-0510 Definitions
- 333-014-0520 Local Public Health Administrators
- 333-014-0530 Incentives and Matching Funds
- 333-014-0540 Accountability Metrics
- 333-014-0550 Local Public Health Authority Statutory Responsibilities
- 333-014-0560 Foundational Capabilities and Programs; Prioritization
- 333-014-0570 Local Public Health Authority Contracts or Agreements for Local Public Health Services or Activities
- 333-014-0580 Local Public Health Authority Governance
- 333-014-0590 Request to Transfer Local Public Health Authority

Myths v. Fact #1: Foundational Capabilities and Programs

LPHAs are currently required to implement all foundational capabilities and programs.

MYTH

Foundational Capabilities and Programs

– ORS 431.131-431.145

- ORS - High level outline of what is included in each foundational capability and program
- OAR 333-014-0560 Foundational Capabilities and Programs/Prioritization
 - (1) To the extent that funding is available, a local public health authority should implement the local foundational capabilities and the local foundational programs described as the local roles and deliverables in the Public Health Modernization Manual, available on the Authority's website at: http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf.
 - (2) The FAA, or other agreements, will describe more specifically the duties and activities that are to be performed in order to carry out the local foundational programs and foundational capabilities.
 - (3) The Authority will consult with PHAB, as necessary, on priorities for foundational programs in ORS 431.141 and foundational capabilities in ORS 431.131.

Myths v. Fact #2: CLHO Minimum Standards for Local Health Departments

There are legally binding CLHO Minimum Standards for Local Health Departments.

MYTH

Standards for LPHAs

- CLHO used to have a document referred to as the “Minimum Standards” that was treated as if statute or rule but was not because the standards were not in statute or administrative rule.
- Generally speaking, from OHA’s perspective, the binding “standards” are what is in ORS, OARs, and any contractual or grant agreements between OHA and an LPHA.

Myths v. Fact #3: OHA and CLHO Concurrence

OHA and the Conference of Local Health Officials legally are required to reach concurrence on governmental public health system matters.

MYTH

OHA and CLHO – ORS 431.340

- CLHO may submit to OHA recommendations on:
 - Establishment of the foundational capabilities under ORS 431.131, the foundational programs under ORS 431.141 and any other public health program or activity under ORS 431.147;
 - The adoption and updating of the statewide public health modernization assessment under ORS 431.115;
 - The development of and any modification to the statewide public health modernization plan under ORS 431.115; and
 - The adoption of rules under ORS 431.350.

Myths v. Fact #4: Public health authority

OHA does not delegate public health authority to LPHAs.

**Fact
(mostly)**

Delegation of Authority

- Local public health authorities get their authority from statute (see ORS 431) and for most things delegation of authority from OHA is not necessary.
- OHA does delegate authority in the following instances through the Environmental Health Intergovernmental Agreement:
 - Tourist facilities
 - Pool facilities
 - Restaurants and bed and breakfast facilities
 - Commissaries, mobile units, warehouse and vending machines.

Myths v. Fact #5: Local Public Health Officers

Local public health officers have legal authority to enforce public health laws.

MYTH

Local PH Officers and Enforcement

- Local public health administrators hold LPHA's enforcement authority, generally speaking. ORS 431.150(2)
- A local public health officer only has enforcement authority if they are also the local public health administrator.
- This enforcement authority is the reason that an LPHA must have at least a part-time local public health administrator employed directly by the LPHA. Enforcement is a government function and must be performed by a government employee or official.

Myths v. Fact #6: Governing Body of the LPHA

The governing body of the LPHA is the LPHA.

MYTH

LPHAs and Governing Bodies

- The local public health authority is either:
 - A county government;
 - A health district formed under ORS 431.443; or
 - Intergovernmental entity formed to provide PH services under ORS 190.010
- The LPHA governing body is responsible for:
 - With LPH Administrator, develop PH policies and goals for the LPHA
 - Adopt ordinances/rules necessary for LPHA to administer ORS 431.001 to 431.550 and 431.990 and any other PH law in the state
 - Adopt civil penalties for violations of those ordinances/rules
 - Review and make recommendations on local PH Modernization Plan
 - Monitor progress of the LPHA in meeting statewide and local PH goals, including progress on FPs and FCs.
 - Adopting fees for PH services
- Local public health advisory boards do not take place of governing body.

Myths v. Fact #7: Non-profits and LPHAs

Only a governmental entity can be the LPHA.

FACT

LPHA

- The local public health authority is either:
 - A county government;
 - A health district formed under ORS 431.443; or
 - Intergovernmental entity formed to provide PH services under ORS 190.010
- Governance functions cannot be subcontracted or delegated beyond the LPHA. ORS 431.413

A local public health authority may contract with a person to perform a public health service or activity, or to perform all public health services and activities, that the local public health authority is required to perform under ORS 431.001 to 431.550 and 431.990 or under any other public health law of this state, except that the person with whom the local public health authority contracts may not perform any function, duty or power of the local public health authority related to governance

Questions?