

GENERAL ASSEMBLY OF NORTH CAROLINA

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Short Title: Public Health Authority Act.

(Public)

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Sponsors:

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Referred to:

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April 1, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF LOCAL PUBLIC HEALTH  
3 AUTHORITIES, AS RECOMMENDED BY THE NORTH CAROLINA PUBLIC  
4 HEALTH COMMISSION.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 2 of Chapter 130A of the General Statutes is amended by  
7 adding a new Part to read:

8 **"PART 1A. PUBLIC HEALTH AUTHORITIES AUTHORIZED.**

9 **"§ 130A-43. Title and purpose.**

10 (a) This Part shall be known and may be cited as the 'Public Health Authorities  
11 Act'.

12 (b) The purpose of this Part is to provide an alternative method for counties to  
13 provide public health services. This Part shall not be regarded as repealing any powers  
14 now existing under any other law, either general, special, or local.

1 (c) It is the policy of the General Assembly that Public Health Authorities should  
2 have adequate authority to exercise the powers, rights, duties, functions, privileges, and  
3 immunities conferred upon them by law.

4 **"§ 130A-44. Definitions.**

5 As used in this Part, unless otherwise specified:

- 6 (1) 'Authority service area' means the area within the boundaries of the  
7 authority as provided for in G.S. 130A-45.4.
- 8 (2) 'Board' means a public health authority board created under this Part.
- 9 (3) 'Department' means the Department of Health and Human Services.
- 10 (4) 'County board of commissioners' means the legislative body charged  
11 with governing the county.
- 12 (5) 'County' means the county which is, or is about to be, included in the  
13 territorial boundaries of a public health authority when created  
14 hereunder.
- 15 (6) 'Federal government' means the United States of America, or any  
16 agency, instrumentality, corporate or otherwise, of the United States of  
17 America.
- 18 (7) 'Government' means the State and federal governments and any  
19 subdivision, agency, or instrumentality, corporate or otherwise, of either  
20 of them.
- 21 (8) 'Public health authority' means a public body and a body corporate and  
22 politic organized under the provisions of this Part.
- 23 (9) 'Public health facility' means any one or more buildings, structures,  
24 additions, extensions, improvements, or other facilities, whether or not  
25 located on the same site or sites, machinery, equipment, furnishings or  
26 other real or personal property suitable for providing public health  
27 services; and includes, without limitation, local public health  
28 departments or centers; public health clinics and outpatient facilities;  
29 nursing homes, including skilled nursing facilities and intermediate care  
30 facilities, adult care homes for the aged and disabled; public health  
31 laboratories; administration buildings, central service and other  
32 administrative facilities; communication, computer and other electronic  
33 facilities; pharmaceutical facilities; storage space; vehicular parking lots  
34 and other such public health facilities, customarily under the jurisdiction  
35 of or provided by public health departments, or any combination of the  
36 foregoing, with all necessary, convenient or related interests in land,  
37 machinery, apparatus, appliances, equipment, furnishings,  
38 appurtenances, site preparation, landscaping, and physical amenities.
- 39 (10) 'Real property' means lands, lands under water, structures, and any and  
40 all easements, franchises and incorporeal hereditaments and every estate  
41 and right therein, legal and equitable, including terms for years and liens  
42 by way of judgment, mortgage or otherwise.
- 43 (11) 'State' means the State of North Carolina.

1 **"§ 130A-45. Creation of a public health authority.**

2 (a) A public health authority may be created whenever a county board of  
3 commissioners finds and adopts a resolution finding that it is in the interest of the public  
4 health and welfare to create a public health authority to provide public health services as  
5 required under G.S. 130A-34.

6 (b) A public health authority including more than one county may be formed upon  
7 joint resolution of the county boards of commissioners and local boards of health having  
8 jurisdiction over each of the counties involved.

9 (c) After the adoption of a resolution creating a public health authority, a public  
10 health authority board shall be appointed in accordance with G.S. 130A-45.1.

11 (d) A county may join a public health authority upon joint resolution of the boards  
12 of commissioners and local boards of health having jurisdiction over each of the counties  
13 involved.

14 (e) A public health authority board shall govern the public health authority. All  
15 powers, duties, functions, rights, privileges, or immunities conferred on the public health  
16 authority may be exercised by the authority board.

17 (f) The public health authority board shall absorb the functions, assets, and  
18 liabilities of the county or district boards of health, and that board is dissolved.

19 (g) For the purpose of Chapter 159 of the General Statutes, a public health  
20 authority is a public authority as defined in G.S. 159-7(b)(10).

21 (h) Before adopting a resolution creating a public health authority, the county  
22 board of commissioners shall hold a public hearing with notice published at least 10 days  
23 before the hearing.

24 (i) For the purposes of Article 9 of Chapter 131E of the General Statutes, a public  
25 health authority is a person as defined in G.S. 131E-176(19).

26 **"§ 130A-45.1. Membership of the public health authority board.**

27 (a) A public health authority board shall be the policy-making, rule-making, and  
28 adjudicatory body for a public health authority and shall be composed of no fewer than  
29 seven members and no more than nine members; except that in an authority comprising  
30 two or more counties, the board shall be composed of no more than 11 members.

31 (b) In a single county authority, the county board of commissioners shall appoint  
32 the members of the board; in an authority comprising two or more counties, the chair of  
33 the county board of commissioners of each county in the authority shall appoint one  
34 county commissioner, or the commissioner's express designee, to the authority board and  
35 these members shall jointly appoint the other members of the board.

36 (c) The members of the board shall include:

37 (1) At least one physician licensed under Chapter 90 of the General Statutes  
38 to practice medicine in this State, and at least one dentist licensed under  
39 Article 2 of Chapter 90 of the General Statutes to practice dentistry in  
40 this State;

41 (2) At least one county commissioner or the commissioner's express  
42 designee from each county in the authority;

1           (3) At least two licensed or registered professionals from any of the  
2 following professions: optometry, veterinary science, nursing,  
3 pharmacy, engineering, or accounting;

4           (4) At least one member from the administrative staff of a hospital serving  
5 the authority service area; and

6           (5) At least one member from the general public.

7           (d) Except as provided in this subsection, members of the board shall serve terms  
8 of three years. Two of the original members shall serve terms of one year, and two of the  
9 original members shall serve terms of two years.

10          (e) Any member who is a county commissioner serves on the board in an ex  
11 officio capacity.

12          (f) Whenever a county shall join or withdraw from an existing public health  
13 authority, the board shall be dissolved and a new board shall be appointed as provided in  
14 subsection (b) of this section.

15          (g) Vacancies shall be filled within 120 days for any unexpired portion of a term.

16          (h) A chair shall be elected annually by a board. The authority director shall serve  
17 as secretary to the board.

18          (i) A majority of the members shall constitute a quorum.

19          (j) A member may be removed from office by the board for any of the following:

20               (1) Commission of a felony or other crime involving moral turpitude.

21               (2) Violation of a State law governing conflict of interest.

22               (3) Violation of a written policy adopted by the county board of  
23 commissioners of each county in the authority.

24               (4) Habitual failure to attend meetings.

25               (5) Conduct that tends to bring the office into disrepute.

26               (6) Failure to maintain qualifications for appointment required under  
27 subsection (c) of this section.

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

30          (k) Board members shall receive no compensation for their services, but they shall  
31 be entitled to reimbursement for subsistence and travel expenses incurred in the discharge  
32 of their duties.

33          (l) The board shall meet at least quarterly. The chair or three of the members may  
34 call a special meeting.

35 **"§ 130A-45.2. Dissolution of a public health authority.**

36          (a) Whenever the board of commissioners of each county constituting a public  
37 health authority determines that the authority is not operating in the best health interests  
38 of the authority service area, they may direct that the authority be dissolved. In addition,  
39 whenever a board of commissioners of a county which is a member of an authority  
40 determines that the authority is not operating in the best health interests of that county, it  
41 may withdraw from the authority. Dissolution of an authority or withdrawal from the  
42 authority by a county shall be effective only at the end of the fiscal year in which the  
43 action of dissolution or withdrawal transpired.

1       **(b)** Notwithstanding the provisions of subsection (a) of this section, no public  
2 health authority shall be dissolved without prior written notification to the Department.

3       **(c)** Any budgetary surplus available to a public health authority at the time of its  
4 dissolution shall be distributed to those counties comprising the authority on the same pro  
5 rata basis that the counties appropriated and contributed funds to the authority's budget  
6 during the current fiscal year. Distribution to the counties shall be determined on the  
7 basis of an audit of the financial record of the authority. The public health authority board  
8 shall select a certified public accountant or an accountant who is subsequently certified  
9 by the Local Government Commission to conduct the audit. The audit shall be performed  
10 in accordance with G.S. 159-34. The same method of distribution of funds described  
11 above shall apply when one or more counties of an authority withdraw from the  
12 authority.

13       **(d)** Upon dissolution or withdrawal, all rules adopted by the board continue in  
14 effect until amended or repealed by the new authority board or boards of health.

15 **"§ 130A-45.3. Powers and duties of authority board.**

16       **(a)** A public health authority shall have all the powers necessary or convenient to  
17 carry out the purposes of this Part, including the following powers to:

- 18       **(1)** Protect and promote the public health. The board shall have the  
19 authority to adopt rules necessary for that purpose.
- 20       **(2)** Construct, equip, operate, and maintain public health facilities.
- 21       **(3)** Use property owned or controlled by the authority.
- 22       **(4)** Acquire real or personal property, including existing public health  
23 facilities, by purchase, grant, gift, devise, lease or, with the permission  
24 of the county commissioners, condemnation.
- 25       **(5)** Establish a fee schedule for services received from public health  
26 facilities and make services available regardless of ability to pay.
- 27       **(6)** Appoint a public health authority director to serve at the pleasure of the  
28 authority board.
- 29       **(7)** Establish a salary plan which shall set the salaries for employees of the  
30 area authority.
- 31       **(8)** To adopt and enforce a professional reimbursement policy which may  
32 include the following provisions: (i) require that fees for the provision  
33 of services received directly under the supervision of the public health  
34 authority shall be paid to the authority, (ii) prohibit employees of the  
35 public health authority from providing services on a private basis which  
36 require the use of the resources and facilities of the public health  
37 authority, and (iii) provide that employees may not accept dual  
38 compensation and dual employment unless they have the written  
39 permission of the public health authority director.
- 40       **(9)** Delegate to its agents or employees any powers or duties as it may deem  
41 appropriate.
- 42       **(10)** Employ its own counsel and legal staff.
- 43       **(11)** Adopt, amend, and repeal bylaws for the conduct of its business.

- 1           (12) Enter into contracts for necessary supplies, equipment, or services for  
2           the operation of its business.
- 3           (13) Act as an agent for the federal, State, or local government in connection  
4           with the acquisition, construction, operation, or management of a public  
5           health facility, or any part thereof.
- 6           (14) Insure the property or the operations of the authority against risks as the  
7           authority may deem advisable.
- 8           (15) Sue and be sued.
- 9           (16) Accept donations or money, personal property, or real estate for the  
10           benefit of the authority and to take title to the same from any person,  
11           firm, corporation, or society.
- 12           (17) Appoint advisory boards, committees, and councils composed of  
13           qualified and interested residents of the authority service area to study,  
14           interpret, and advise the public health authority board.
- 15           (b) A public health authority shall have the power to establish and operate health  
16 care networks and may contract with or enter into any arrangement with other public  
17 health authorities or local health departments of this or other states, federal, or other  
18 public agencies, or with any person, private organization, or nonprofit corporation or  
19 association for the provision of public health services, including managed health care  
20 activities; provided, however, that for the purposes of this subsection only, a public health  
21 authority shall be permitted to and shall comply with the requirements of Article 67 of  
22 Chapter 58 of the General Statutes to the extent that such requirements apply to the  
23 activities undertaken by the public health authority pursuant to this subsection. The  
24 public health authority may pay for or contribute its share of the cost of any such contract  
25 or arrangement from revenues available for these purposes, including revenues arising  
26 from the provision of public health services.
- 27           (c) A public health authority may lease any public health facility, or part, to a  
28 nonprofit association on terms and conditions consistent with the purposes of this Part.  
29 The authority will determine the length of the lease. No lease executed under this  
30 subsection shall be deemed to convey a freehold interest.
- 31           (d) A public health authority shall neither sell nor convey any rights of ownership  
32 the county has in any public health facility, including the buildings, land, and equipment  
33 associated with the facility, to any corporation or other business entity operated for profit,  
34 except that nothing herein shall prohibit the sale of surplus buildings, surplus land, or  
35 surplus equipment by an authority to any corporation or other business entity operated for  
36 profit. For purposes of this subsection, 'surplus' means any building, land, or equipment  
37 which is not required for use in the delivery of public health care services by a public  
38 health facility at the time of the sale or conveyance of ownership rights.
- 39           (e) A public health authority may lease any public health facility, or part, to any  
40 corporation, foreign or domestic, authorized to do business in North Carolina on terms  
41 and conditions consistent with the purposes of this Part and with G.S. 160A-272.
- 42           (f) A public health authority may exercise any or all of the powers conferred upon  
43 it by this Part, either generally or with respect to any specific public health facility or

1 facilities, through or by designated agents, including any corporation or corporations  
2 which are or shall be formed under the laws of this State.

3 (g) An authority may contract to insure itself and any of its board members,  
4 agents, or employees against liability for wrongful death or negligent or intentional  
5 damage to person or property or against absolute liability for damage to person or  
6 property caused by an act or omission of the authority or of any of its board members,  
7 agents, or employees when acting within the scope of their authority and the course of  
8 their employment. The board shall determine what liabilities and what members, agents,  
9 and employees shall be covered by any insurance purchased pursuant to this subsection.

10 Purchase of insurance pursuant to this subsection waives the authority's governmental  
11 immunity, to the extent of insurance coverage, for any act or omission occurring in the  
12 exercise of a governmental function. Participation in a local government risk pool  
13 pursuant to Article 23 of Chapter 58 of the General Statutes shall be deemed to be the  
14 purchase of insurance for the purposes of this section. By entering into an insurance  
15 contract with the authority, an insurer waives any defense based upon the governmental  
16 immunity of the authority.

17 (h) If an authority has waived its governmental immunity pursuant to subsection  
18 (g) of this section, any person, or in the event of death, their personal representative,  
19 sustaining damages as a result of an act or omission of the authority or any of its board  
20 members, agents, or employees, occurring in the exercise of a governmental function,  
21 may sue the authority for recovery of damages. To the extent of the coverage of insurance  
22 purchased pursuant to subsection (g) of this section, governmental immunity may not be  
23 a defense to the action. Otherwise, however, the authority has all defenses available to  
24 private litigants in any action brought pursuant to this section without restriction,  
25 limitation, or other effect, whether the defense arises from common law or by virtue of a  
26 statute.

27 Despite the purchase of insurance as authorized by subsection (g) of this section, the  
28 liability of an authority for acts or omissions occurring in the exercise of governmental  
29 functions does not attach unless the plaintiff waives the right to have all issues of law or  
30 fact relating to insurance in the action determined by a jury. The judge shall hear and  
31 determine these issues without resort to a jury, and the jury shall be absent during any  
32 motion, argument, testimony, or announcement of findings of fact or conclusions of law  
33 relating to these issues unless the defendant requests a jury trial on them.

34 **"§ 130A-45.4. Appointment of a public health authority director.**

35 (a) A public health authority board, after consulting with the appropriate county  
36 board or boards of commissioners, shall appoint a public health authority director.

37 (b) All persons who are appointed to the position of public health authority  
38 director must possess minimum education and experience requirements for that position,  
39 as follows:

40 (1) A medical doctorate; or

41 (2) A masters degree in Public Health Administration, and at least one year  
42 of employment experience in health programs or health services; or

- 1           (3) A masters degree in a public health discipline other than public health  
2 administration, and at least three years of employment experience in  
3 health programs or health services; or
- 4           (4) A masters degree in public administration, and at least two years of  
5 experience in health programs or health services; or
- 6           (5) A masters degree in a field related to public health, and at least three  
7 years of experience in health programs or health services; or
- 8           (6) A bachelors degree in public health administration or public  
9 administration and at least three years of experience in health programs  
10 or health services.

11           (c) Before appointing a person to the position of public health authority director  
12 under subdivision (a)(5) of this section, the authority board shall forward the application  
13 and other pertinent materials of such candidate to the State Health Director. If the State  
14 Health Director determines that the candidate's masters degree is in a field not related to  
15 public health, the State Health Director shall so notify the authority board in writing  
16 within 15 days of the State Health Director's receipt of the application and materials, and  
17 such candidate shall be deemed not to meet the education requirements of subdivision  
18 (a)(5) of this section. If the State Health Director fails to act upon the application within  
19 15 days of receipt of the application and materials from the authority board, the  
20 application shall be deemed approved with respect to the education requirements of  
21 subdivision (a)(5) of this section, and the authority board may proceed with the  
22 appointment process.

23           (d) The State Health Director shall review requests of educational institutions to  
24 determine whether a particular masters degree offered by the requesting institution is  
25 related to public health for the purposes of subdivision (a)(5) of this section. The State  
26 Health Director shall act upon such requests within 90 days of receipt of the request and  
27 pertinent materials from the institution, and shall notify the institution of its  
28 determination in writing within the 90-day review period. If the State Health Director  
29 determines that an institution's particular masters degree is not related to public health,  
30 the State Health Director shall include the reasons therefor in his written determination to  
31 the institution.

32           (e) When an authority board fails to appoint a public health authority director  
33 within 60 days of the creation of a vacancy, the State Health Director may appoint an  
34 authority director to serve until the authority board appoints an authority director in  
35 accordance with this section.

36 **"§ 130A-45.5. Powers and duties of a public health authority director.**

37           (a) The public health authority director is an employee of the authority board and  
38 shall serve at the pleasure of the authority board.

39           (b) An authority health director shall perform public health duties prescribed by  
40 and under the supervision of the public health authority board and the Department and  
41 shall be employed full time in the field of public health.

42           (c) An authority health director shall have the following powers and duties:

- 43           (1) To administer programs as directed by the public health authority board;

- 1           (2)    To enforce the rules of the public health authority board;
- 2           (3)    To investigate the causes of infectious, communicable, and other  
3           diseases;
- 4           (4)    To exercise quarantine authority and isolation authority pursuant to G.S.  
5           130A-145;
- 6           (5)    To disseminate public health information and to promote the benefits of  
7           good health;
- 8           (6)    To advise local officials concerning public health matters;
- 9           (7)    To enforce the immunization requirements of Part 2 of Article 7 of this  
10           Chapter;
- 11           (8)    To examine and investigate cases of venereal disease pursuant to Parts 3  
12           and 4 of Article 6 of this Chapter;
- 13           (9)    To examine and investigate cases of tuberculosis pursuant to Part 5 of  
14           Article 6 of this Chapter;
- 15           (10)   To examine, investigate, and control rabies pursuant to Part 6 of Article  
16           6 of this Chapter;
- 17           (11)   To abate public health nuisances and imminent hazards pursuant to G.S.  
18           130A-19 and G.S. 130A-20; and
- 19           (12)   To employ, discipline, and dismiss employees of the public health  
20           authority.

21           (d)    Authority conferred upon a public health authority director may be exercised  
22           only within the county or counties comprising the public health authority.

23           **"§ 130A-45.6. Boundaries of the authority.**

24           A public health authority may provide or contract to provide public health services  
25           and to acquire, construct, establish, enlarge, improve, maintain, own, or operate, and  
26           contract for the operation of any public health facilities outside the territorial limits,  
27           within reasonable limitation, of the county or counties creating the authority, but in no  
28           case shall a public health authority be held liable for damages to those outside the  
29           territorial limits of the county or counties creating the authority for failure to provide any  
30           public health service.

31           **"§ 130A-45.7. Medical review committee.**

32           (a)    A member of a duly appointed medical review committee who acts without  
33           malice or fraud shall not be subject to liability for damages in any civil action on account  
34           of any act, statement, or proceeding undertaken, made, or performed within the scope of  
35           the functions of the committee.

36           (b)    The proceedings of a medical review committee, the records and materials it  
37           produces and the materials it considers shall be confidential and not considered public  
38           records within the meaning of G.S. 132-1, "' Public records" defined', and shall not be  
39           subject to discovery or introduction into evidence in any civil action against a public  
40           health authority or a provider of professional health services which results from matters  
41           which are the subject of evaluation and review by the committee. No person who was in  
42           attendance at a meeting of the committee shall be required to testify in any civil action as  
43           to any evidence or other matters produced or presented during the proceedings of the

1 committee or as to any findings, recommendations, evaluations, opinions, or other actions  
2 of the committee or its members. However, information, documents, or records otherwise  
3 available are not immune from discovery or use in a civil action merely because they  
4 were presented during proceedings of the committee. A member of the committee or a  
5 person who testifies before the committee may testify in a civil action but cannot be  
6 asked about his testimony before the committee or any opinions formed as a result of the  
7 committee hearings.

8 **"§ 130A-45.8. Confidentiality of patient information.**

9 (a) Medical records compiled and maintained by public health authorities in  
10 connection with the admission, treatment, and discharge of individual patients are not  
11 public records as defined by Chapter 132 of the General Statutes.

12 (b) Charges, accounts, credit histories, and other personal financial records  
13 compiled and maintained by public health authorities in connection with the admission,  
14 treatment, and discharge of individual patients are not public records as defined by  
15 Chapter 132 of the General Statutes.

16 **"§ 130A-45.9. Confidentiality of personnel information.**

17 (a) Except as provided in subsection (b) of this section, the personnel files of  
18 employees or former employees and the files of applicants for employment maintained by  
19 a public health authority are not public records as defined by Chapter 132 of the General  
20 Statutes.

21 (b) The following information with respect to each employee of a public health  
22 authority is a matter of public record: name; age; date of original employment or  
23 appointment; beginning and ending dates, position title, position descriptions, and total  
24 compensation of current and former positions; and date of the most recent promotion,  
25 demotion, transfer, suspension, separation, or other change in position classification. In  
26 addition, the following information with respect to each licensed medical provider  
27 employed by or having privileges to practice in a public health facility shall be a matter  
28 of public record: educational history and qualifications, date and jurisdiction or original  
29 and current licensure; and information relating to medical board certifications or other  
30 qualifications of medical specialists.

31 (c) Information regarding the qualifications, competence, performance, character,  
32 fitness, or conditions of appointment of an independent contractor who provides health  
33 care services under a contract with a public health authority is not a public record as  
34 defined by Chapter 132 of the General Statutes. Information regarding a hearing or  
35 investigation of a complaint, charge, or grievance by or against an independent contractor  
36 who provides health care services under a contract with a public health authority is not a  
37 public record as defined by Chapter 132 of the General Statutes. Final action making an  
38 appointment or discharge or removal by a public health authority having final authority  
39 for the appointment or discharge or removal shall be taken in an open meeting, unless  
40 otherwise exempted by law. The following information with respect to each independent  
41 contractor of health care services of a public health authority is a matter of public record:  
42 name; age; date of original contract; beginning and ending dates; position title; position  
43 descriptions; and total compensation of current and former positions; and the date of the

1 most recent promotion, demotion, transfer, suspension, separation, or other change in  
2 position classification.

3 **"§ 130A-45.10. Confidentiality of credentialing information.**

4 Information acquired by a public health authority or by persons acting for or on behalf  
5 of a public health authority in connection with the credentialing and peer review of  
6 persons having or applying for privileges to practice in a public health facility is  
7 confidential and is not a public record under Chapter 132 of the General Statutes;  
8 provided that information otherwise available to the public shall not become confidential  
9 merely because it was acquired by the authority or by persons acting for or on behalf of  
10 the authority.

11 **"§ 130A-45.11. Confidentiality of competitive health care information.**

12 Information relating to competitive health care activities by or on behalf of public  
13 health authorities shall be confidential and not a public record under Chapter 132 of the  
14 General Statutes; provided that any contract entered into by or on behalf of a public  
15 health authority shall be a public record unless otherwise exempted by law."

16 Section 2. (a) G.S. 130A-2(4) reads as rewritten:

17 "(4) 'Local board of health' means a district board of health or a public health  
18 authority board or a county board of health."

19 (b) G.S. 130A-2(5) reads as rewritten:

20 "(5) 'Local health department' means a district health department or a public  
21 health authority or a county health department."

22 Section 3. G.S. 105-164.14(c)(9) reads as written:

23 "(9) A ~~district health department~~ district health department, or a public health  
24 authority created pursuant to Part 1A of Article 2 of Chapter 130A of  
25 the General Statutes."

26 Section 4. G.S. 128-37 reads as rewritten:

27 **"§ 128-37. Membership of employees of ~~district health departments~~ district health**  
28 **departments or public health authorities.**

29 Under such rules and regulations as the Board of Trustees shall establish and  
30 promulgate, the boards of county commissioners of any group of counties composing a  
31 district health department, or the governing board of any public health authority, or the  
32 board of county commissioners of any county as to county boards of health, or the  
33 governing authorities of any county and/or city as to city-county boards of health, may  
34 elect that employees of such health departments may be members of the North Carolina  
35 Local Governmental Employees' Retirement System to the extent of that part of their  
36 compensation paid by the various counties composing said district health department."

37 Section 5. G.S. 153A-77.1 reads as rewritten:

38 **"§ 153A-77.1. Single portal of entry.**

39 A county may develop for human services a single portal of entry, a consolidated case  
40 management system, and a common data base; provided that if the county is part of a  
41 district health department or multicounty public health authority or a ~~multi-county~~  
42 multicounty area mental health, developmental disabilities, and substance abuse  
43 authority, such action must be approved by the district board of health or public health

1 authority board or the area mental health, developmental disabilities, and substance abuse  
2 board to affect any matter within the jurisdiction of that board. Nothing in this section  
3 shall be construed to abrogate a patient's right to confidentiality as provided by law."

4 Section 6. G.S. 153A-149(13) reads as rewritten:

5 "(13) Health. – To provide for the county's share of maintaining and  
6 administering services offered by or through the ~~county or district~~ local  
7 health department."

8 Section 7. G.S. 106-266.17 reads as rewritten:

9 **"§ 106-266.17. Marketing agreements not to be deemed illegal or in restraint of**  
10 **trade; conflicting laws.**

11 The making of marketing agreements between producers' cooperative marketing  
12 associations and distributors and producer- distributors under the provisions of this  
13 Article shall not be deemed a combination in restraint of trade or an illegal monopoly, or  
14 an attempt to lessen competition or fix prices arbitrarily nor shall the marketing contract  
15 or agreements between the association and the distributors and producer-distributors, or  
16 any agreements authorized in this Article, be considered illegal or in restraint of trade. All  
17 laws and clauses of laws in conflict with the provisions of this Article are hereby repealed  
18 to the extent necessary for the full operation of this Article. No provisions of this Article  
19 shall be deemed in conflict with Articles 28 and 28A of Chapter 106 of the General  
20 Statutes. No provisions of this Article shall be deemed in conflict with the authority  
21 granted to ~~county, city, county and district~~ local boards of health by G.S. 130-19, 130-20,  
22 130-66, to make and enforce rules and regulations governing milk sanitation or with the  
23 authority granted to the Department of Human Resources by G.S. 130-3 to make sanitary  
24 inquiries and investigations."

25 Section 8. G.S. 88-28.1 reads as rewritten:

26 **"§ 88-28.1. Restraining orders against persons engaging in illegal practices.**

27 If it is found that any licensed cosmetologist, cosmetic art shop, or other person  
28 subject to the provisions of this Chapter is violating any rules and regulations adopted by  
29 the State Board of Cosmetic Art Examiners or any provisions of G.S. 88-28, then the  
30 Department of Human Resources, any ~~county or district~~ local health director, or the State  
31 Board of Cosmetic Art Examiners shall give notice to the person of the violation and  
32 apply to the superior court for injunctive relief to restrain such person from continuing  
33 such illegal practices. If, upon such application, it shall appear to the court that such  
34 person has violated and/or is violating any of the said rules and regulations or any  
35 provisions of Chapter 88, section 28, of the General Statutes of North Carolina G.S. 88-  
36 28, the court may issue an order restraining any further violations thereof. All such  
37 actions for injunctive relief shall be governed by the provisions of Article 37 of Chapter  
38 1 of the General Statutes: Provided, such injunctive relief may be granted regardless of  
39 whether criminal prosecution has been or may be instituted under any of the provisions of  
40 this Chapter. Actions under this section shall be commenced in the county in which the  
41 respondent resides or has his principal place of business or in which the alleged acts  
42 occurred."

43 Section 9. G.S. 143-215.7 reads as rewritten:

1 **"§ 143-215.7. Effect on laws applicable to public water supplies and the sanitary**  
2 **disposal of sewage.**

3 This Article shall not be construed as amending, repealing, or in any manner  
4 abridging or interfering with the provisions of Article 10 of Chapter 130A of the General  
5 Statutes relating to the control of public water supplies; nor shall the provisions of this  
6 Article be construed as being applicable to or in anywise affecting the authority of the  
7 Department to control the sanitary disposal of sewage as provided in Article 11 of  
8 Chapter 130A of the General Statutes, or as affecting the powers, duties and authority of  
9 ~~city, county, county-city and district~~ local health departments usually referred to as local health  
10 ~~departments~~ or as affecting the charter powers, or other lawful authority of municipal  
11 corporations, to pass ordinances in regard to sewage disposal."

12 Section 10. G.S. 130A-140 reads as rewritten:

13 **"§ 130A-140. Local health directors to report.**

14 A local health director shall report to the Department all cases of diseases or  
15 conditions or laboratory findings of residents of the jurisdiction of the local health  
16 department which are reported to the local health director pursuant to this Article. A  
17 local health director shall report all other cases and laboratory findings reported pursuant  
18 to this Article to the local health director of the ~~county or district~~ county, district, or  
19 authority where the person with the reportable disease or condition or laboratory finding  
20 resides."

21 Section 11. G.S. 120-196 reads as rewritten:

22 **"§ 120-196. (See editor's note) Commission duties.**

23 The Commission shall study the availability and accessibility of public health services  
24 to all citizens throughout the State. In conducting the study the Commission shall:

- 25 (1) Determine whether the public health services currently available in each  
26 ~~county or district~~ local health department conform to the mission and  
27 essential services established under G.S. 130A-1.1;
- 28 (2) Study the workforce needs of each ~~county or district~~ health local  
29 department, including salary levels, professional credentials, and  
30 continuing education requirements, and determine the impact that  
31 shortages of public health professional personnel have on the delivery of  
32 public health services in ~~county and district~~ local health departments;
- 33 (3) Review the status and needs of local health departments relative to  
34 facilities, and the need for the development of minimum standards  
35 governing the provision and maintenance of these facilities;
- 36 (4) Propose a long-range plan for funding the public health system, which  
37 plan shall include a review and evaluation of the current structure and  
38 financing of public health in North Carolina and any other  
39 recommendations the Commission deems appropriate based on its study  
40 activities;
- 41 (5) Conduct any other studies or evaluations the Commission considers  
42 necessary to effectuate its purpose; and

1           (6) Study the capacity of small counties to meet the core public health  
2 functions mandated by current State and federal law. The Commission  
3 shall consider whether the current ~~county and district~~ local health  
4 departments should be organized into a network of larger multidistrict  
5 community administrative units. In making its recommendations on this  
6 study, the Commission shall consider whether the State should establish  
7 minimum populations for local health departments, and if so, shall  
8 recommend the number of and configuration for these multicounty  
9 administrative units and shall recommend a series of incentives to ease  
10 county transition into these new arrangements."

11           Section 12. Any county which, on or prior to July 1, 1997, established a  
12 hospital authority board composed of no more than seven members under the provisions  
13 of Part B of Article 2 of Chapter 131E of the General Statutes may, by resolution adopted  
14 by its board of county commissioners and with the approval of the State Health Director,  
15 assign that authority board the power, duties, and responsibilities to provide public health  
16 services as outlined in G.S. 130A-1.1. Thereafter, such authority board shall act as the  
17 local board of health for the county together with such additional powers, duties, and  
18 authority assigned to it by the board of county commissioners.

19           Section 13. This act becomes effective January 1, 1998, and applies to  
20 contracts and agreements entered into on or after that date.