



Public Health

BOARD OF HEALTH

OPERATING PROCEDURES HANDBOOK

December 8, 2022

Rosemary Jackson, MD- Chairperson
Board of Health



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DURHAM COUNTY BOARD OF HEALTH
CURRENT LIST
December 8, 2022

<p>Rosemary Jackson, MD, Chair Public Member Position Term: June 2015-January 2025</p>	<p>Anthony Gregorio, MBA Public Member Position Term: January 2022-January 2023</p>
<p>Gene Rhea, PharmD, MHA Pharmacist Position Term: February 2021-January 2024</p>	<p>James M. Miller, DVM Veterinarian Position Term: October 2017-January 31, 2023</p>
<p>Nida Allam County Commissioner Term: January 2021-Present</p>	<p>Almond "Spence" Curtis Engineer Position Term: March 2016-January 2025</p>
<p>Mary Braithwaite, MD, Vice-Chair Physician Position Term: January 2015-January 2024</p>	<p>Vacant Position Optometrist position</p>
<p>Roger McDougal, DDS, MS, PA Dentist position Term: February 2020-January 2023</p>	<p>Victoria Orto Nurse Position Term: February 2020-January 2023</p>
<p>Joshua Brown Public Member Position Term: March 2020-January 2025</p>	

Operating Procedures of the Durham County Board of Health

1. Name and Office

The name of this organization is the Durham County Board of Health (hereinafter "Board"). The principal office of the Board is located at 414 East Main Street, Durham, NC 27701.

2. Officers and Committees

a. Chair and Vice-Chair:

The Board shall elect a Chair and Vice-Chair by majority vote each year at the first called meeting of the calendar year.

b. Secretary:

The local health director shall serve as secretary to the Board, but the director is not a member of the Board. The local health director may delegate the duties of the secretary that are set forth in these operating procedures to an appropriate local health department employee.

c. Standing Committees

The Board shall have the following standing committees:

1. Nominating Committee: three (3) Board of Health members
2. Personnel Committee: Vice Chair and three (3) other Board members
3. Operating Procedures Committee: three (3) Board members appointed by the Chair to review operating procedures annually
4. Budget and Finance Committee: Vice Chair and three (3) other Board members

The Chair shall be an ex officio member of all ad hoc Board committees.

d. Executive Committee

The Board shall have an Executive Committee which will consist of the Chair and Vice-Chair, on the Board of Health. The Executive Committee shall be empowered to speak and act for and on behalf of the Board when such action is necessitated due to considerations of time and circumstances; provided, that any action approved and undertaken by the Executive Committee shall be communicated to the members of the Board as soon as practicable following such action and, providing further that a report of such action then be presented at the next Board of Health meeting.

All standing committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws.

e. Temporary committees

The Board may establish and appoint members for temporary committees as needed to carry out the Board's work. All temporary committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws.

3. Meetings

a. Regular Meetings

The Board shall hold regular meetings on the second Thursday of the month at least once per quarter, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the Board's office and begin at 5:00 pm.

At or about the first regular meeting of the new calendar year, the Board shall have an organizational meeting at which it shall elect a Chair, Vice-Chair, and approve a schedule of regular meetings.

Board members may attend regular and committee meetings via electronic means in limited circumstances. In the event of an electronic meeting the Board shall make all dialog available to the public via an appropriate listening device. In the event an entire meeting is conducted via electronic means the Board shall provide a location suitable for the public to listen to the meeting and a reasonable cost may be charged to the person's attending which shall not exceed \$25.00.

b. Agenda

The Secretary to the Board shall prepare an agenda for each meeting. Any Board member who wishes to place an item of business on the agenda shall submit a request to the Secretary at least two working days before the meeting. For regular meetings, the Board may add items to the agenda or subtract items from the agenda only if permitted by and in accordance with the North Carolina open meetings laws.

c. Presiding Officer

The Chair of the Board shall preside at Board meetings if he or she is present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member designated by a majority vote of the members present at the meeting shall preside.

d. Quorum

A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. Official meetings may be conducted either in person or by any means compliant with the open meetings laws of the State of North Carolina. If more than a quorum is present or involved in deliberating, taking action or otherwise transacting public business on a particular matter the meeting and/or the information exchanged must comply with the North Carolina open meetings laws.

e. Attendance

- 1) The Board of Health deems it essential to its ability to effectively and efficiently discharge its responsibilities that meetings be attended regularly. Habitual failure to attend may result in removal by the County Board of Commissioners Pursuant to N.C. Gen. Stat. §130A-35 (g)(4).
- 2) The attendance roster will be submitted quarterly to the Clerk to the Board of County Commissioners.

f. Voting

No Board member shall be permitted to abstain from voting. If a member has a conflict of interest as defined by North Carolina law the member shall be required to recuse themselves from making any decision related to the pending matter and shall not be permitted to vote on the issue presented. If a member has left a meeting for any reason during the deliberation of a matter, the member shall be deemed absent for purposes of calculating a quorum and for the vote.

g. Minutes

The Secretary shall prepare minutes of each Board meeting. Copies of the minutes shall be made available to each Board member before the next regular Board meeting. At each regular meeting, the Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Board meeting minutes from the Secretary of the Board or from the County's website:

<http://www.durhamcountync.gov/departments/bocc/Boards/Minutes/phb/index.html> .

Original minutes are copied on bond paper and filed in an official minute binder. Copies of the minutes are sent on an annual basis to the State Archive Department to be archived.

4. Amendments to Operating Procedures

These operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures as one of the stated

purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

5. Public Comments

Members of the Public (Durham County Residents) may address the Board of Health during a public comment period held at each regularly scheduled meeting. The Public Comment period will provide three minutes per speaker, up to five speakers per meeting, for a total of fifteen minutes. The Public Comment period can be expanded by a majority vote of the Board members present.

6. Other Procedural Matters

The Board shall refer to the current edition of Robert's Rules of Order Newly Revised (RONR) to answer procedural questions not addressed in this document, so long as the procedures prescribed in RONR do not conflict with North Carolina law.

Board of Health members desiring additional information from staff shall make the request to Health Director rather than to individual staff members. This process provides the Health Director the opportunity to determine if the request should be treated as an individual request or as a request for information needed by the full board.

7. Process for Addressing Complaints

With the exception of patient care, administrative process issues or matters involving the Health Director all complaints shall first be sent to the Durham County Human Resources Department (HR) for review, assessment, evaluation and investigation consistent with Durham County policies and procedures.

Any complaint against the Health Director shall be sent to the Chair of the Board of Health for referral to the Personnel Committee. The Board of Health and Health Director shall be kept apprised of the status and results of any investigation forwarded to HR which does not involve a confidential personnel matter.

Any complaint that does not specify the identity of the person presenting the grievance shall be forwarded to the Chairperson of the Board of Health for review and consideration. The mere fact that a complaint is "anonymous" shall not, in and of itself, prevent the Board from considering or forwarding the complaint to HR for additional and/or further investigation.

Complaints regarding personnel issues received by the Board shall first be sent to the personnel committee who will review and forward them to HR for guidance and next steps where applicable.

Complaints regarding non-personnel related issues shall first be sent to the Board Chair who will review and forward them to HR for guidance and next steps, where applicable. Once the personnel committee or Board Chair receives guidance and next steps from HR, the Board shall be apprised.

8. Compliance with North Carolina law

In conducting its business, the Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, and the laws set forth the powers and duties of local Boards of Health. To assist the Board in compliance, the local health director shall maintain a current copy of relevant North Carolina General Statutes and make them available to Board members on request.

Approved and adopted by the Durham County Board of Health on 10th day of March, 2022.



Chair, Durham County Board of Health



Health Director, Durham County Board of Health



**FY 2022
Proposed
Board of Health Meeting Schedule**

February 10, 2022	March 10, 2022
April 14, 2022	May 12, 2022
June 9, 2022	August 11, 2022
September 8, 2022	October 13, 2022
November 10, 2022	December 8, 2022

Durham County Department of Public Health Board of Health will hold monthly meetings. Meetings may be held virtually or in person subject to the direction of the board.

The agendas for the Board of Health meetings are posted at:

<https://www.dcopublichealth.org/about-us/board-of-health/agendas-and-minutes/-folder-1012>

Residents can access meetings through “Live Stream” on Durham County Department of Public Health You-Tube Channel at:

<https://www.youtube.com/user/DurhamNCPublicHealth>

The virtual option aligns with social distancing requirements which ensure the safety of citizens who wish to participate as well as Board members and Durham County Government staff.



Public Health

Policy Name:	Durham County Board of Health Policy/Procedure Introduction, Implementation and Review
Policy Number:	BOH-001
Effective Date:	01/13/2011

Purpose:

The purpose of this policy is to:

- Establish guidelines for implementation and maintenance of Durham County Board of Health (BOH) general policies and procedures.
- Provide a framework for consistency in methods of practice, personnel, fiscal operations, management, public health programs and rulemaking.
- Establish guidelines in accordance with state statutes and applicable rules and regulations.

Scope:

The scope of this document applies to all members of the BOH and Durham County Department of Public Health (DCoDPH) workforce. The workforce of the DCoDPH shall be all those persons or disciplines that are listed below whose conduct - in the performance of work for the DCoDPH - is under the direct control of the DCoDPH and must abide by its policies and procedures while performing their duties.

Board of Health: Those persons appointed by the Durham County Board of Commissioners, in accordance with NC GS 130A.

Workforce: DCoDPH Employees (full-time, part-time, temporary and contract)
DCoDPH Volunteers
Students/Interns assigned to DCoDPH

Policy:

BOH Policy and Procedures shall become effective as of the date on each policy/procedure. If any policy or procedure of this manual is held invalid, the remaining policies and procedures of this manual will not be affected. Any employee violating any of the provisions of this manual may be subject to disciplinary action up to and including dismissal.

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Procedure:

New Policy Development

1. Define the issue, problem or task, need for a policy or procedure, or need for policy or procedure revision.
2. New policies or procedures may be recommended by Board members or the Public Health Director through the Public Health Director's office.
3. The medical director and/or program specific medical specialists will be involved when developing policies, standing orders and procedures related to clinical and community health services as appropriate.
4. Appropriate rules, regulations and/or standards of practice will be referred to as needed. Legal review by the county attorney may also be requested by the Public Health Director or Board of Health.
5. The Public Health Director or designee will draft the new policy or procedure and forward to the BOH for review and approval.
6. Policies and procedures may be reviewed and discussed at Board meetings prior to sending to the Public Health Director's office or County Attorney's office if additional clarification is necessary.
7. The draft policy or procedure will be forwarded to Board members via e-mail attachment. A period of ten (10) days is allowed for returning comments to the Board Chair and Public Health Director.
8. Feedback is reviewed by the Board Chair and Public Health Director, where appropriate changes are made for final policy/procedure approval at the next Board meeting.
9. Approved policies/procedures will be available on the "L" drive and DCoDPH intranet.
10. A hard copy will be maintained by the Public Health Director and Board members. The Public Health Director's Senior Administrative Officer will update the hard copies.
11. The Public Health Director will verify that each Board member has read and understands the policy or procedure via signature sheets provided to them by the Public Health Director's Senior Administrative Officer.
12. Completed signature sheets will be returned to the Public Health Director's Senior Administrative Officer.
13. New DCoDPH Policies will be brought before the BOH for discussion and comment without the need for BOH approval. This will serve as a means for the DCoDPH to make the BOH aware of the Policies that the department has determined it needs for policy and operational procedure consistency.

Policy Reviews and Updates

1. All BOH policies and procedures will be reviewed annually by the Board and signed off by the Board Chair and Public Health Director during the first quarter (July – September) of each fiscal year.
2. Policy and procedure reviews, updates, and changes will be tracked on the individual policy change history.
3. Policies and procedures can be reviewed and/or revised more often, as required by changing technology, rule or law changes, change in standard of practice, etc.

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4. Significant policy and procedure updates or revisions will be processed for feedback in the same manner as new policies, to allow for Board input.
5. Revisions shall be documented as such and distributed to all individuals who are impacted by the policy/procedure.
6. BOH members shall sign off on all completed policies annually after the policy review period.
7. End dated policies and procedures shall be kept in an “archive folder” on the local server (L drive).
8. DCoDPH policies will be presented to the BOH annually for review, comment and suggestions. If policies require substantive changes after their annual review, they will be brought back to the BOH for their review, comment and suggestions. Changes in policies with regard to grammar, punctuation and formatting will be corrected, and the BOH made aware of these changes at their next regular meeting.

C. Assess Internal and External Resources for New and Updated Policies (Accreditation Activity 15.4 Assess Internal and External Resources for Policy Development.

1. A comprehensive and appropriate system of internal and external assessment of resources shall be used in the development of and/or updating of all policies for the BOH. The BOH will ensure that:
 - resources are adequate and efficiently and effectively utilized
 - risks are identified and realistically managed
 - operational impacts are considered and planned for
 - compliance with applicable legislation, regulations, policies and prevailing evidence-based practice is in place
 - consideration of strategic plan goals and objectives is given
 - reporting information is accurate and reliable to facilitate sound decision making
2. Assessment Tools to be utilized shall include and not be limited to the following:
 - Cost Benefit Analysis Report
 - Impact Report
 - Budgetary projections for the new or updated policy
 - Presentation to and discussion with the BOH

References:



Durham County Human Resources Policy Manual

NC General Statute 130A

CHANGE HISTORY:

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Version	Date	Comments
A	01/13/2011	Original document.
B	12/13/2012	Logo changed, DCHD changed to DCoDPH, Health Department changed to Durham County Department of Public Health (DCoDPH), Health Director changed to Public Health Director, annual review date added. Changed DCBOH to BOH.
C	3/11/2013	Added section on Internal Controls to the document.
D	3/14/2013	Add section on BOH review of DCoDPH Policies and Procedures without approval needed.
E	12/11/2013	Reviewed and approved by the BOH
F	12/11/2014	Reviewed and Approved by the BOH
G	12/12/2015	Reviewed and Approved by the BOH
H	8/10/2017	Revised to add annual review of BOH policies will occur during the first quarter (July – September) of each new fiscal year.
I	8/18/2020	Updated the Policy Review and Update Section to clarify the review process and removed a process that is no longer ongoing.
Annual Review Due Dates		12/13/2012; 12/11/2013; 12/11/2014; 12/12/2015; 8/10/2017; 10/2/2018; 08/30/2019; 10/14/2021; 8/11/2022

Approved By:  <hr/> Chair, Board of Health  <hr/> Public Health Director	Program Area(s) Affected: Durham County Board of Health Durham County Department of Public Health
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Public Health

Policy Name:	Delegation of Authority to the Public Health Director
Policy Number:	BOH-002
Effective Date:	01/13/2011

Purpose:

To state general policies that shall guide the Durham County Board of Health (DCBOH) and Public Health Director. The scope of this policy applies to all members of Durham County Department of Public Health (DCoDPH) workforce.

Policy/Procedure:

This policy can only be changed by a majority vote of the DCBOH (refer to DCBOH Operating Procedures). The DCBOH will revise (as needed) this policy, at the same time the job description of the Public Health Director is reviewed/revise.

It is the DCBOH's Policy:



1. The DCBOH shall employ a qualified Public Health Director and delegate to him/her the authority and responsibility for the overall management of the DCoDPH in accordance with written policies. In the absence of written policies, the Public Health Director is to be guided by an application of DCBOH intent as established in other policies and counseled as necessary by the appropriate members of the DCBOH.
2. The DCBOH shall establish a job description for the position of the Public Health Director including appropriate qualifications of education, experience, personal factors and skills in accordance with G.S. 130A-40. The job description will be reviewed at least annually with changes made as indicated.
3. The DCBOH shall evaluate the Public Health Director on an annual basis. Such evaluation will be coordinated by the Chair through the DCBOH. It is the responsibility of the DCBOH to hire and terminate, if necessary, the Public Health Director.


4. The responsibilities of the Public Health Director include:
- Recruitment, selection and advancement procedures that are to be administered in accordance with policies and procedures set forth by Durham County Government and in compliance with state and federal employment laws, rules and regulations.
 - Implementation of program, policies, and fiscal plans.
 - Performance of management functions which will assure that program services will be available, accessible, acceptable, efficient, and coordinated to promote continuity of care and meet appropriate standards.
 - Delegation of authority and accountability for program functions to DCoDPH staffs who are assigned responsibilities.
 - Coordination with other governmental, private and consumer groups concerned with the planning and delivery of health services for community residents.
 - Performance of administrative functions which will provide accountability for funds received and expended and to assure that all regulations and requirements are satisfied.
 - Leadership of DCoDPH staff addressing such functions as staff development, job descriptions evaluation, termination and grievance procedures.
 - Use of statistical and other relevant information for determining needs, planning services, monitoring staff and program activity, and evaluating attainment of objectives.
 - Presentation to the DCBOH issues which may require policy statements and/or action, including issues which may prevent conflict of interest.
 - Development of the organizational structure for the DCoDPH, preparation of current organizational charts and establishment of lines of report/communication.

References: Legal Authority G. S. 130A NC Public Health Laws

CHANGE HISTORY:

Version	Date	Comments
A	01/13/2011	Original document.
B	12/13/2012	Logo changed, DCHD changed to DCoDPH, Health Department changed to Durham County Department of Public Health (DCoDPH), Health Director changed to Public Health Director, annual review date added.
	12/11/2013	Reviewed and approved by the BOH
	12/11/2014	Reviewed and approved by the BOH
	12/12/2015	Reviewed and approved by the BOH
	8/10/2017	Revision to the BOH Policy on Policies, to set the annual policy review period to the first quarter (July –September) of each new fiscal year.
Annual Review Due Dates		12/13/2012; 12/11/2013; 12/11/2014; 12/12/2015; 8/10/2017; 10/2/2018; 08/30/2019; 08/17/2020; 10/14/2021; 08/11/2022;

<p>Approved By:</p> <p></p> <hr/> <p>Chair, Board of Health</p> <p></p> <hr/> <p>Public Health Director</p>	<p>Program Area(s) Affected:</p> <p>Durham County Board of Health</p> <p>Durham County Department of Public Health</p>
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		<h2>Public Health</h2>
Policy Name:	Public Contact with the Durham County Board of Health	
Policy Number:	BOH-003	
Effective Date:	01/13/2011	

Purpose:

The purpose of this policy is to establish the guidelines regarding any communication between the general public (media not included) and the Durham County Board of Health (BOH). The scope of this policy applies to all members of the Durham County Department of Public Health (DCoDPH) workforce.

Policy/Procedures:



Any written or oral request from the general public to a member of the BOH pertaining to any aspect of program or operations of the DCoDPH should be submitted to the Public Health Director for follow up and resolution. The Public Health Director's response to the request should be reported to the BOH. This policy is intended to keep the Public Health Director and BOH informed of such contacts.


References:

N/A

CHANGE HISTORY:

Version	Date	Comments
A	01/13/2011	Original document.
	01/13/2012	Reviewed and approved by the BOH
	01/13/2013	Reviewed and approved by the BOH
	12/11/2014	Reviewed and Approved by the BOH
	12/12/2015	Reviewed and Approved by the BOH
	8/10/2017	Revision to the BOH Policy on Policies, to set the annual policy review period to the first quarter (July –September) of each new fiscal year.
Annual Review Due Dates	01/13/2012; 01/13/2013; 12/12/2013; 12/11/2014; 12/11/2015; 8/10/2017; 10/2/2018; 08/30/2019; 08/17/2020, 10/14/2021; 08/11/2022	

<p>Approved By:</p>  <p>Chair, Board of Health</p>  <p>Public Health Director</p>	<p>Program Area(s) Affected:</p> <p>Durham County Department of Public Health</p> <p>Durham County Citizens</p>
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 Public Health	
Policy Name:	Compliance with Public Health Laws and Regulations
Policy Number:	BOH-004
Effective Date:	11/10/2012

Policy:

The Durham County Board of Health (BOH) and Durham County Department of Public Health (DCoDPH) ensures that its workforce consults and follows Federal, State, and local laws and regulations, and the most current recommendations of regulating advisory agencies in the delivery of essential and mandated public health services.

The BOH and DCoDPH workforce must follow laws, established guidelines, and consistently follow procedure to assure that the public receives fair, efficient, and effective services.

The BOH must consult legal counsel such as the Durham County Attorney, the North Carolina Attorney General or the University of North Carolina, School of Government whenever legal assistance is indicated to interpret laws and rules.

Division Directors must develop policies and procedures to assure effective and efficient service delivery within the scope of the most current public health practice.

Workforce access to North Carolina General Statutes related to public health law will be through the North Carolina General Assembly website, <http://www.ncga.state.nc.us/gascripts/statutes/statutestoc.pl> and North Carolina Administrative Code at the North Carolina Office of Administrative Hearings website, <http://reports.oah.state.nc.us/ncac.asp>. Supervisors shall inform the workforce of how to access the statutes and administrative codes applicable to their job.

Purpose:

The purpose of this policy is to ensure that the BOH and the DCoDPH workforce consults and follows Federal, state, and local laws and regulations as well as the most current recommendations

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of regulating and advisory agencies in the delivery of essential and mandated public health services.

Scope: The scope of this policy is the DCHD workforce and governing body.

Procedure:

1. DCoDPH relies on the BOH to set public health policy and rules and to guide decision making related to public health practice, as required by NCGS 130-A, Article 2.
2. DCoDPH observes applicable laws and regulations when dispersing and utilizing funds that support Public Health programs (NCGS 159, NCGS 130A, Article 1, 10A NCAD 45A, 10A NCAD 46, NC Session Law 2001-424), North Carolina Medical Assistance eligibility manuals and ICD-9/CPT/HCPCS Manual.
3. DCoDPH Administration follows the applicable laws, and licensing and certifying bodies for the process of hiring, training, and ensuring the credentials and competence of the public health workforce. (i.e., NCGS 90, NCGS 90A, NCGS126, NCGS 130A, 25 NCAC Chapter 01, 21 NCAC), and Durham County Personnel Policy.
4. DCoDPH ensures confidential information is protected and public information is available when requested, (i.e., examples of documents that address confidentiality and public records are 45 CFR parts 160 and 164, the HIPAA Privacy Rule; NCGS 130A, NCGS 122C, NCGS 132 various chapters 10A NCAC) and North Carolina health information management Legal Reference manual).
5. DCoDPH ensures that services are available to everyone regardless of race, color, national origin, sex, religion, age or disability. (Federal Civil Rights Act of 1964 and Title IV of the Civil Rights Act of 1964 and Title II of the Americans with Disabilities Act).
6. DCoDPH ensures the safety and wellbeing of the workforce, (Occupational Safety and health Act, 29 CFR Part 1910, 13 NCAC 7A and F, North Carolina Occupational Safety and Health Standards for General Industry, February 1, 2001.
7. The workforce utilizes the appropriate laws, rules and manuals and other applicable publications in providing essential public health services as outlined in 10A NCAC. See Attachments 1 &2.

REFERENCES:



- United States Code of Federal Regulation
<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>

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- North Carolina Administrative Code
<http://reports.oah.state.nc.us/ncac.asp>
- North Carolina General Statutes
<http://www.ncga.state.nc.us/gascripts/statutes/statutestoc.pl>

CHANGE HISTORY:

Version	Date	Comments
A	11/10/2012	Original document.
	12/11/2013	Reviewed and approved by the BOH
	12/11/2014	Reviewed and approved by the BOH
	12/12/2015	Reviewed and approved by the BOH
	8/10/2017	Revision to the BOH Policy on Policies, to set the annual policy review period to the first quarter (July –September) of each new fiscal year.
	8/30/2019	Removed attachments and reference documents that were no longer available.
Annual Review Due Dates		12/11/2013; 12/11/2014; 12/12/2015; 8/10/2017; 10/2/2018; 8/17/2020; 10/14/2021; 8/11/2022

<p>Approved By:</p>  <p>Chair, Board of Health</p>  <p>Public Health Director</p>	<p>Program Area(s) Affected:</p> <p>All DCoDPH Programs</p>
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 Public Health	
Policy Name:	Durham County Board of Health (BOH) Adjudication Process (Appeals)
Policy Number:	BOH-005
Effective Date:	2/14/2012

Policy:

Appeals concerning the interpretation and enforcement of BOH Rules and the 2010 NC Smoke Free Bars and Restaurants Law by the Durham County Department of Public Health (DCoDPH), shall be conducted in accordance with the procedures listed below.

Purpose:

To ensure that adjudication rights are provided to those who feel that rules have been misinterpreted or wrongfully enforced.

Procedures:

1. Public Health Director must notify the person of his or her right to appeal the penalty.

The Public Health Director should notify the person of the penalty in writing. The written notice should include a statement explaining the person's right to file an appeal, including:

- Instructions about when to file the notice of appeal
- What to include in the notice of appeal
- And where to direct the notice of appeal

2. The person may appeal the Public Health Director's decision.

- a. **Filing period:** The person has 30 calendar days to appeal the Public Health Director's decision.
- b. **Notice of appeal:** The person's notice of appeal must be in writing and should be given to the Public Health Director. The notice must include:
 - The appellant's name and address

- A description of the challenged action
- And a statement explaining why the appellant believes the Public Health Director's decision to impose a penalty is incorrect

3. Public Health Director notifies Board of Health of appeal. Once the Public Health Director receives the notice of appeal, the Public Health Director has five working days to notify the Board of Health that the appeal has been filed. The Public Health Director must provide to the board:

- A copy of the notice of appeal and copies of “the papers and materials upon which the challenged action was taken.”

4. BOH must hold a hearing.

A. Hearing date: Once the BOH receives the notice of appeal, it has 15 calendar days to hold a hearing.

B. Notice of hearing:

1. **Notice to appellant:** The board must notify the appellant about the hearing at least 10 calendar days before the hearing date. At a minimum, the notice must state the date, time, and place of the hearing. Given the tight timeframe involved, the BOH must act very quickly to set the hearing date once it receives a notice of appeal.
2. **Notice to public:** The BOH must comply with the open meetings law. The hearing would likely be considered a “special meeting,” which requires at least 48 hours notice before the meeting. Such notices must state the time, place, and purpose of the meeting and they must be:

Posted on the BOH's principal bulletin board or the door of the BOH's usual meeting room, posted on the department's webpage (GS 143-318.12(e) and deliver the notice to any person (which includes media outlets) who has requested notice of such meetings.

C. Conduct of hearing:

The hearing should be conducted as a court-like proceeding (“quasi-judicial”). Specifically, the following procedures should be followed:

1. No *ex parte* contact with parties or between board members.
2. BOH members with any conflict of interest must not participate.
3. BOH must:
 - a. Allow the appellant's attorney to attend and advise their client.
 - b. Take sworn and relevant testimony.

- c. Provide for cross-examination of witnesses.
- d. Keep detailed or verbatim minutes.

D. The hearing:

1. The entire hearing will be electronically recorded, and the recording will later be transcribed. During the hearing, the following will be the sequence of actions:
 - a. The Chair of the BOH will introduce all parties.
 - b. The Chair of the BOH will ask Board members to declare whether they have a conflict of interest to declare.
 - c. Presentation by the party appealing as to why they believe the staff's interpretation(s) and action(s) are in error.
 - d. Presentation by health department staff explaining the actions taken.
 - e. Cross examination/question and answer period for BOH members of the appealing party.
 - f. Cross examination/question and answer period for BOH members of the staff.
 - g. Closure of the formal hearing by the Chair of the BOH.
2. BOH may discuss whether they are ready to make a decision or whether they wish to delay the decision pending review of the transcript. The BOH decision shall indicate whether they affirm, modify, or reverse the challenged action of the staff in applying the rule(s) or law. When a decision is made, a motion must be made clearly stating the reasons for the decision.
3. A transcript of the hearing will be prepared no later than 30 working days after the hearing and made available to the appealing party, the BOH, and the DCoDPH staff upon request.
4. If the BOH chooses not to make a decision at the hearing, the appeal will be scheduled for action at the next full BOH meeting. The BOH also has the option of calling a special meeting following the hearing but prior to the next regularly scheduled BOH meeting to make a decision. The special meeting must follow all Open Meetings requirements.
5. Once the BOH takes action to uphold, deny or modify the staff decision, it will issue a written decision in accordance with G.S. 130A-24(c). The Public Health Director in the role as Secretary to the Board, drafts the written decision as specified by the BOH in Step 4 for the BOH Chair's signature. The decision must:
 - Be based upon the evidence presented at the hearing and contain a concise statement of the reasons for the decision.

- The decision should also explain the appellant's right to appeal the BOH's decision as described in Step 6 below.
- While the law specifies that the hearing must be held within a certain period of time, it does not require that the BOH issue its decision with a set timeframe.

6. Appellant may appeal the BOH's decision to district court:

- If the appellant disagrees with the BOH's decision, he or she may file an appeal in district court.
- The appeal must be filed within 30 calendar days after the date of the BOH's decision.
- The court must follow certain guidelines when reviewing the BOH's decision, but it ultimately may affirm, modify, or overturn the decision.
- Following the district court's decision, further judicial appeals are also an option.

PROCEDURES FOR FINALIZING APPEALS HEARING TRANSCRIPTS

1. Within 30 working days following the Hearing, a draft transcript is prepared by the Senior Administrative Officer to the Public Health Director.
2. Within 10 working days following its completion, two copies of the draft transcript and the audio recording are delivered to the Public Health Director and the Chair of the BOH.
3. The Public Health Director and the Chair of the BOH reviews the draft transcript. The Public Health Director and/or the Chair annotate the text of the draft transcript as needed to aid in the comprehension of the transcript. The annotations are to be provided in parentheses or otherwise clearly marked to ensure that the reader understands that the annotations were added following the hearing to clarify the text.
4. Within 10 working days of receipt of the draft transcript, the Public Health Director and/or the Chair returns the audio recordings and an annotated copy of the draft transcript to the Senior Administrative Officer to the Public Health Director.
5. Within 10 working days of its receipt, the revised draft transcript is finalized and becomes available upon request. The Senior Administrative Officer notifies the appellant that the transcript is available.
6. The final transcript is sent to the full BOH by inclusion in the BOH agenda materials for next regularly scheduled meeting of the BOH.
7. The transcript is filed with the appeal documents and kept according to the records retention schedule established by the State of North Carolina Cultural Resources Department.

References

A. Fleming Bell, II, *Appeal Procedures for Local Boards of Health*. The material was presented at the Health Directors' Legal Conference on April 22, 2009.

G.S. 150B-51 for details regarding the scope of review. The scope of review in this statute, which governs appeals from decisions issued by administrative law judges under the Administrative Procedure Act, also applies to these types of local appeals. G.S.130A-24(d)



G.S. 130A-22(h)


G.S. 130A-24(c)

G.S. 130A-24(b).

CHANGE HISTORY:

Version	Date	Comments
A	12/14/2012	Original document.
	12/11/2013	Reviewed and approved by the BOH
	12/11/2014	Reviewed and approved by the BOH
	12/12/2015	Reviewed and approved by the BOH
	8/10/2017	Revision to the BOH Policy on Policies, to set the annual policy review period to the first quarter (July –September) of each new fiscal year.
	8/30/2019	Updated Section D3 to 30 days as it was in conflict with procedures for finalizing appeals hearing transcripts. Updated the procedures for finalizing appeals to update our process.
Annual Review Due Dates	12/11/2013; 12/11/2014; 12/12/2015; 8/10/2017; 10/2/2018; 08/17/2020; 10/14/202; 8/11/2022	

Approved By:  Chair, Board of Health  Public Health Director	Program Area(s) Affected: Durham County Board of Health Durham County Department of Public Health Citizens of Durham County
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 Public Health	
Policy Name:	Adopting, Amending or Repealing BOH Rules
Policy Number:	BOH-006
Effective Date:	12/13/2012

Policy:

The Durham County Board of Health (BOH) shall have the responsibility to protect and promote the public's health. The board shall have the authority to adopt, amend, or repeal rules as necessary for that purpose.

Purpose:

1. The BOH may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where,
2. In the opinion of the BOH, a more stringent rule is required to protect the public's health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail over BOH rules.
3. However, the BOH may not adopt a rule concerning the grading, operating, and permitting of food and lodging facilities as defined in G.S. 130A-247(1),
4. And the BOH may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c).
5. The rules of the BOH shall apply to all municipalities within the BOH's jurisdiction.

Procedures:

Adopting, Amending or Repealing a BOH Rule.

Anyone wishing to make recommendations for the adoption, amendment, or repeal of a BOH rule for Durham County must do so in writing to the Durham County Health Director at 414 E. Main Street, Durham, NC 27701.



1. Not less than 10 days before the adoption, amendment, or repeal of any local board of health rule, the proposed rule shall be made available at the office of each county clerk within the board's jurisdiction, and a notice shall be published in a newspaper having general circulation within the area of the board's jurisdiction.
2. The notice shall contain a statement of the substance of the proposed rule or a description of the subjects and issues involved, the proposed effective date of the rule and a statement that copies of the proposed rule are available at the local health department.
3. The BOH rule shall become effective upon adoption unless a later effective date is specified in the rule.
4. Copies of all rules shall be filed with the secretary of the BOH.
5. The BOH may, in its rules, adopt by reference any code, standard, rule or regulation which has been adopted by any agency of this State, another state, any agency of the United States or by a generally recognized association.
6. Copies of any material adopted by reference shall be filed with the rules.
7. The BOH may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State.
8. Notwithstanding any other provisions of law, the BOH may impose cost-related fees for services performed pursuant to Article 11 of Chapter 130A, "Wastewater Systems," for services performed pursuant to Part 10, Article 8 of Chapter 130A, "Public Swimming Pools", for services performed pursuant to Part 11, Article 8 of Chapter 130A, "Tattooing", and for services performed pursuant to G.S. 87-97.
9. Fees shall be based upon a plan recommended by the health director and approved by the BOH and the Durham County Board Commissioners.
10. The fees collected under the authority of this subsection (130A-39) are to be deposited to the account of the health department so that they may be expended for public health purposes in accordance with the provisions of the Local Government Budget and Fiscal Control Act.


References

G.S. 130A-24(c)

CHANGE HISTORY:

Version	Date	Comments
A	12/13/2012	Original document.
	12/11/2013	Reviewed and approved by the BOH
	12/11/2014	Reviewed and approved by the BOH
	12/12/2015	Reviewed and approved by the BOH
	8/10/2017	Revision to the BOH Policy on Policies, to set the annual policy review period to the first quarter (July –September) of each new fiscal year.
Annual Review Due Dates	12/11/2013; 12/11/2014; 12/12/2015; 8/10/2017; 10/02/2017; 08/30/2019; 08/17/2020; 10/14/2021; 8/11/2022	

<p>Approved By:</p>  <hr/> <p>Chair, Board of Health</p>  <hr/> <p>Public Health Director</p>	<p>Program Area(s) Affected:</p> <p>DC Board of Health</p> <p>DCoDPH</p> <p>Citizens of Durham County</p>
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 Public Health	
Policy Name:	Public Participation Policy
Policy Number:	BOH-007
Effective Date:	12/13/2012

Policy:

The Durham County Board of Health (BOH) encourages public participation in the performance of its duties and responsibilities. To assure that public comment submitted to the Board is properly processed and to assure that all Board actions are made in compliance with all applicable laws, rules, regulations and ordinances, the BOH hereby adopts this Public Participation Policy.

Purpose:

The BOH has adopted a Public Participation Policy. This policy has the following goals:

1. Bring a broad cross-section of the public into the public policy and public health planning decision-making process.
2. Make special efforts to increase the opportunities for involvement by groups of citizens who do not generally participate in community affairs, particularly low-income and minority populations.
3. Provide citizens with opportunities to participate in developing plans and programs for their communities.
4. Make information on Public Health activities widely available to the public.
5. Maximize the use of communications technology to facilitate the exchange of information between public officials and citizens, including use of the Durham County Department of Public Health (DCoDPH) web site and other electronically accessible formats (social media, CD's, and e-mail, etc.).
6. Ensure that technical information is available in understandable form and that all segments of citizens are afforded access to this information.

Procedures:

Public Comments at Board of Health Meetings

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These procedures establish the times for the public to provide appropriate comment to the Board for its consideration. In light of these established procedures, the Board accepts public comment on regulatory actions, as well as general comments, at Board meetings in accordance with the following:

1. REGULATORY ACTIONS

A. In G.S. 153A-52 and G.S. 160A-81, the public hearing statutes for counties and cities, G.S. 115C-51, G.S. 153A-52.1, and G.S. 160A-81.1 allow boards to adopt reasonable regulations governing the conduct of public comment periods, including but not limited to rules setting time limits for speakers, and providing for:

- (1) The designation of spokesmen for groups supporting or opposing the same position,
- (2) The selection of delegates from groups supporting or opposing the same position when the number of persons wishing to attend the comment period exceeds the capacity of the hall, and;
- (3) The maintenance of order and decorum in the conduct of the public comment period. Under the First Amendment, these types of rules are called “reasonable time, place, and manner” restrictions on speech.

B. In conducting its business, the BOH shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, and the laws setting forth the powers and duties of local boards of health. To assist the BOH in compliance, the local health director shall maintain a current copy of relevant North Carolina General Statutes and make them available to BOH members on request.

2. PUBLIC COMMENT PERIOD



- A. The BOH schedules a public comment period at the beginning of each regular meeting to provide an opportunity for citizens to address the BOH.
- B. Anyone wishing to speak to the BOH during this time should, at the beginning of the BOH meeting, indicate his or her desire on the sign-in sheet.
- C. Presentations during the public comment period shall not exceed three (3) minutes per person. The Board reserves the right to alter the time limitations set forth above without notice and to ensure that comments presented at the meeting conform to this policy.


References

NC G.S. 153A-52, Counties
Durham County Board of Health Operating Procedures

CHANGE HISTORY:

Version	Date	Comments
A	12/13/2012	Original document.
	12/11/2013	Reviewed and approved by the BOH
	12/11/2014	Reviewed and approved by the BOH
	12/12/2015	Reviewed and approved by the BOH
	8/10/2017	Revision to the BOH Policy on Policies, to set the annual policy review period to the first quarter (July –September) of each new fiscal year.
Annual Review Due Dates	12/11/2013; 12/11/2014; 12/12/2015; 8/10/2017; 10/2/2018; 08/30/2019; 08/17/2020; 10/14/2021; 8/11/2022	

<p>Approved By:</p>  <p>Chair, Board of Health</p>  <p>Public Health Director</p>	<p>Program Area(s) Affected:</p> <p>DC Board of Health</p> <p>DCoDPH</p>
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 Public Health	
Policy Name:	Employee Recruitment, Retention and Professional Development Policy
Policy Number:	HD: 20
Effective Date:	12/13/2012

Policy:

Durham County Department of Public Health (DCoDPH) endeavors to recruit and retain highly qualified, competent personnel. Furthermore, DCoDPH requires and supports training and professional/career development for all employees. Employees will complete mandatory initial and annual trainings related to topics required by governing bodies, the accreditation process, NC Department of Health and Human Services, DCoDPH, County government, and those dictated by funding and regulatory sources.

DCoDPH employees will complete continuing education to maintain licenses, certifications and/or registrations required for their positions. DCoDPH will support employees in the maintenance of continuing education and training requirements and encourage additional training and continuing education to enhance performance and promote career development as guided by the performance management process.

Purpose:

The purpose of this policy is to document procedures and practices for recruiting and retaining employees as well as specify requirements for training/continuing education and professional development for employees. The policy sets forth requirements for employee documentation of professional development. The scope of the policy applies to all members of the DCoDPH workforce.

Procedures:

Employee Recruitment

Durham County Department of Public Health

- A. Collaborates with universities and other educational institutions to provide student internships and/or opportunities for volunteer experience that exposes students and volunteers to public health practice. Students/volunteers apply for consideration with

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various divisions depending on their interest areas as well as division personnel availability to precept or supervise.

- B. Participates in recruitment outreach through career days in high schools, presentations in local universities, and displays in job fairs.
- C. Submits requisitions to County Human Resources for advertising and recruitment of personnel.
- D. Follows County personnel policies and procedures as administered by County Human Resources for selection of employees for all positions.
- E. Divisions may send position postings to various state listservs as well as to local and state professional groups.
- F. Divisions distribute job postings through emails and posting copies for positions being recruited internally.
- G. Will recruit a diverse workforce that reflects the citizens of Durham County and the population served by the health department.

Employee Retention

DCoDPH and County government promote employee engagement and retention through:

- A. Opportunity to participate and/or lead in Departmental and/or County committees
- B. Eligible for various awards, such as DCoDPH quarterly award, County anchor award, County On-the-Spot award
- C. County service awards at defined longevity increments
- D. Performance management process - County pay plan and performance merit pay
- E. Opportunity and support for professional/career development
- F. Opportunity to cross train for critical positions
- G. Potential for promotion in Department as well as in County government
- H. Employee health benefit package
- I. Additional County employee policies on leave, compensation, training, etc.
- J. Policies that provide a supportive work environment: wellness, choose to move, alternative work options, etc.

Employee Professional Development

- A. Employees will develop a professional development objective annually that is approved by their supervisor
- B. Employees will participate in mandatory trainings/meetings as described in the DCoDPH Training Spreadsheet for their division.
- C. Managers will ensure that new supervisors complete supervisory training as required by Durham County Government.
- D. In addition to mandatory and specialized training requirements, employees are encouraged to attend trainings that promotes professional/career development; i.e. communication and listening skills, team building, health literacy, leadership/supervision skills, customer service as well as advanced professional practice knowledge and skills.
- E. Supervisors and employees will utilize all training venues such as classrooms, webcasts, videoconferences, professional journals, and teleconferences.

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- F. Supervisors will review employee training requests for consistency with their professional development plan, content and cost. Supervisors shall approve/deny training requests in a timely manner to accommodate travel plans, coverage of duties, and encumbrance and/or payment of applicable registration fees. Supervisor forwards approved requests to management for approval. The Travel and County Vehicle Usage Policy and Travel Policy and DCoDPH Travel Policy Supplemental will be followed.

Documentation

- **Durham County Department of Public Health Training Spreadsheet**

Educational requirements for DCoDPH employees, as determined by applicable laws, rules, certifications, licenses, and program addendum, are outlined in the DCoDPH Training Spreadsheet. Compliance with program addendum and federal, state, and local law and policy must be reviewed at least annually.

1. Division Directors or their designee will update continuing education requirements for their division staff at least annually or as program training requirements change, in the DCoDPH Training Spreadsheet.
2. Public Health Preparedness Coordinator will maintain and update public health preparedness continuing education requirements for all staff at least annually, or as program training requirements change, in the DCoDPH Training Spreadsheet. Personnel Senior Administrative Assistant will maintain and update the DCoDPH Training Spreadsheet, ensuring that all general training requirements relating to staff and management for both new and continuing employees.

- **Employee Training Log**

1. Employees will develop an annual Training Log that reflects their training requirements and plans for their workplan professional development objective
2. Supervisors will approve employees Training Log at the beginning of their workplan anniversary date.
3. Employees will update their Training Log as training is completed.
4. Employees will keep a copy of certificates and other sources of attendance documentation for verification of trainings completed.
5. Employees will provide their completed Training Log and verification of attendance documents to their supervisor for preparation of their annual performance appraisal.

- **Employee Training Acknowledgment Form**

1. All trainings/continuing education conducted in the Health Department will be documented along with signatures of attendees on the Training Acknowledgement form.
2. The meeting facilitator or trainer will initiate the Training Acknowledgement form and ensure all attendees sign.

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3. The meeting facilitator will ensure that appropriate paperwork is provided for documentation of the training and given to the Personnel Senior Administrative Assistant, along with the signed training form for storage.
4. Individual trainings may be verified by the Individual Training Acknowledgement form.
5. Training Acknowledgement Forms are available in the Workforce Development folder on the Department share drive.

REFERENCES:

Durham County Policies/Procedures

- Appointment Policy
- Benefits for Retirees Administrative Procedure
- Business Training & Travel Policy
- Funeral Leave Policy
- Leave Policy
- Management Leave Policy
- Performance Management Process Policy
- Personnel Ordinance
- Recruitment and Selection Administrative Procedure
- Supplemental Pay Policy for Employees Called to Military Duty
- Training and Development Administrative Procedure
- Tuition Assistance Administrative Procedure
- Use of Leave During FMLA Parental/Maternity Leave
- Volunteer Policy
- OSHA Manual

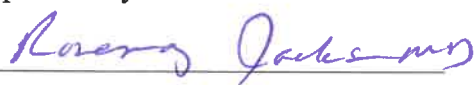

Durham County Department of Public Health Policies/Procedures

- Employee Orientation Policy
- Training Spreadsheet
- Training Log Form
- Training Acknowledgment Form
- Travel Policy Supplement

CHANGE HISTORY:

Version	Date	Comments
A	12/13/2012	Original document. Discussion on this policy by the BOH.
B	12/11/2013	Reviewed and discussed by the BOH
C	12/11/2014	Reviewed and approved by the BOH
D	12/13/2015	Reviewed and approved by the BOH

E	8/10/2017	Revision to the BOH Policy on Policies, to set the annual policy review period to the first quarter (July –September) of each new fiscal year.
F	9/24/2018	Under Employee Retention added - policies that provide a supportive work environment and under employee recruitment - hiring employees that reflect the population we serve
G	08/30/2019	Updated position title of person responsible in two areas of the documentation section.
H	08/18/2020	Removed two policies in the references section that are no longer applicable.
Annual Review Due Dates		12/11/2013; 12/11/2014; 12/13/2015; 8/10/2017, 9/24/2018; 10/14/2021; 8/11/2022

<p>Approved By:</p> <p></p> <p>Chair, DC BOH</p> <p></p> <p>Public Health Director</p>	<p>Program Area(s) Affected:</p> <p>All DCoDPH Programs</p>
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