

# PUBLIC HEALTH DEPARTMENT[641]

## Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 135A.9, the Iowa Department of Public Health hereby gives Notice of Intended Action to amend Chapter 186, “Governmental Public Health Advisory Bodies,” Iowa Administrative Code.

The current rules in Chapter 186 implement Iowa Code chapter 135A, the Public Health Modernization Act. The Act became outdated, and 2016 Iowa Acts, Senate File 2159, updated Iowa Code chapter 135A to reflect the intent to have one Governmental Public Health Advisory Council to advise and make policy recommendations to the Department, the Director of the Department and the State Board of Health regarding the Governmental Public Health System. The Council recommendations support improved organization and delivery of critical public health services across the state.

The proposed amendments reflect the changes to the Act made in 2016 Iowa Acts, Senate File 2159, which removed, added or changed some definitions; removed outdated references to “Iowa Public Health Standards”; removed the requirement to establish a voluntary accreditation process; eliminated the evaluation committee; adjusted the membership of the governmental public health advisory council; clarified the roles and responsibilities of the governmental public health advisory council; and clarified the roles and responsibilities of the Department.

Any interested person may make written suggestions or comments on these proposed amendments on or before December 13, 2016. Such written comments should be directed to Joy Harris, Bureau of Planning Services, Iowa Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to [joy.harris@idph.iowa.gov](mailto:joy.harris@idph.iowa.gov).

The Department does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 135A and 2016 Iowa Acts, Senate File 2159.

The following amendments are proposed.

ITEM 1. Amend **641—Chapter 186**, title, as follows:

**GOVERNMENTAL PUBLIC HEALTH ADVISORY ~~BODIES~~ COUNCIL**

ITEM 2. Amend rule 641—186.1(135A) as follows:

**641—186.1(135A) Purpose.** ~~The governmental public health advisory council and the governmental public health evaluation committee shall advise the department and make policy recommendations to the department, the director of the department, and the state board of health regarding the coordination and implementation of the voluntary accreditation of designated local public health agencies and of the department and the evaluation of the accreditation program and governmental public health system. The council is intended to support the goal that Iowa’s governmentally sponsored public health systems be effective, efficient, well-organized, and well-coordinated to have the greatest impact on the improvement of health status for all Iowans.~~

ITEM 3. Amend rule 641—186.2(135A) as follows:

**641—186.2(135A) Definitions.** For the purposes of this chapter, the following definitions apply:

“Academic institution” means an institute of higher education in the state which grants degrees in public health or another health-related field and is accredited by a nationally recognized accrediting agency as determined by the United States Secretary of Education. For purposes of this definition, “accredited” means a certification of the quality of the institution of higher education.

“Committee” means the governmental public health evaluation committee as established in 2009 Iowa Code Supplement section 135A.5.

“Council” means the governmental public health advisory council as established in 2009 Iowa Code Supplement Iowa Code section 135A.4 as amended by 2016 Iowa Acts, Senate File 2159.

“Department” means the Iowa department of public health.

“Designated local public health agency” means an entity that is either governed by or contractually responsible to a local board of health and designated by the local board to comply with the Iowa public health standards for a jurisdiction.

“Director” means the director of the Iowa department of public health.

“Governmental public health system” means local boards of health, the state board of health, designated local public health agencies, the state hygienic laboratory, and the department.

“Local board of health” means a county or district board of health.

“Organizational capacity” means the governmental public health infrastructure that must be in place in order to deliver public health services.

“Public health system” means all public, private, and voluntary entities that contribute to the delivery of public health services within a jurisdiction.

ITEM 4. Amend rule 641—186.3(135A) as follows:

**641—186.3(135A) Roles and responsibilities of advisory bodies the council.** ~~Two advisory bodies~~ The council shall provide guidance to the department regarding the governmental public health system.

**186.3(1)** A governmental public health advisory council is established to advise do all of the following:

a. Advise the department and make policy recommendations to the director of the department and the state board of health concerning administration, implementation, and coordination of 2009 Iowa Code Supplement chapter 135A and to make recommendations to the department regarding the governmental public health system as amended by 2016 Iowa Acts, Senate File 2159.

b. Propose to the director public health standards that may be utilized by the governmental public health system.

c. Develop and implement processes for longitudinal evaluation of the public health system including collection of information about organizational capacity and public health service delivery.

d. Determine what process and outcome improvements in the governmental health system are attributable to voluntary accreditation.

e. Assure that the evaluation process is capturing data to support key research in public health system effectiveness and health outcomes.

f. Develop and make recommendations for improvements to the public health system.

g. Make recommendations for resources to support the public health system.

h. Review rules developed and adopted by the state board of health under Iowa Code chapter 135A as amended by 2016 Iowa Acts, Senate File 2159, and make recommendations to the department for revisions to further promote implementation of Iowa Code chapter 135A as amended by 2016 Iowa Acts, Senate File 2159, and modernization of the governmental public health system.

i. Form and utilize subcommittees as necessary to carry out the duties of the council.

j. Annually submit a report on the activities of the council to the state board of health by July 1.

**186.3(2)** The council shall annually provide a report to the department by July 1.

~~**186.3(3)** A governmental public health evaluation committee is established to develop and implement the evaluation of the governmental public health system and voluntary accreditation program as described in 2009 Iowa Code Supplement section 135A.5.~~

**186.3(4)** The committee shall annually provide a report to the department by July 1.

~~186.3(5)~~ **186.3(2)** Recommendations from the council and committee shall be provided to the director in writing. ~~The director may provide those recommendations to the state board of health.~~

~~186.3(6)~~ Communication. The council and committee shall ensure communication between the two bodies by:

- ~~a. Providing regular updates to the other body through written reports at each meeting.~~
- ~~b. Stipulating that the chairperson and vice chairperson of the committee and council hold semiannual conference calls.~~
- ~~c. Meeting together at least biennially.~~
- ~~d. Responding to requests from one body to the other that shall be made in writing and appear in new business on the agenda of the next regularly scheduled meeting.~~

ITEM 5. Amend rule 641—186.4(135A) as follows:

**641—186.4(135A) Officers.**

**186.4(1)** The officers of the council and committee shall be a chairperson and vice chairperson for each body.

- a. The officers shall be elected at the first meeting each September.
- b. Vacancy in the office of chairperson shall be filled by the vice chairperson.
- c. Vacancy in the office of vice chairperson shall be filled by election at the next regularly scheduled meeting after the vacancy occurs.

**186.4(2) Duties of officers.**

- a. The chairperson of the council shall preside at all meetings of the council, ~~and the chairperson of the committee shall preside at all meetings of the committee.~~
- b. Robert's Rules of Order shall govern all meetings.
- c. If the chairperson is absent or unable to act, the vice chairperson shall perform the duties of the chairperson. When so acting, the vice chairperson shall have all the powers of and be subject to all the restrictions upon the chairperson.
- d. The vice chairperson shall also perform such other duties as may be assigned by the chairperson.

ITEM 6. Amend rule 641—186.5(135A) as follows:

**641—186.5(135A) Members of advisory bodies the council.**

**186.5(1)** The director, pursuant to ~~2009 Iowa Code Supplement sections section 135A.4 and 135A.5 as amended by 2016 Iowa Acts, Senate File 2159, section 3,~~ shall appoint members of the council and committee.

a. The membership of the council shall consist of all of the following members who satisfy all of the following requirements:

(1) Twelve members who represent various subfields of public health. These members shall provide geographical representation from all areas of the state. Each of these members shall be an employee of a designated local board of public health. Such members shall include a minimum of one local public health administrator and one physician member of a local board of health.

(2) Two members who are representatives of the department.

(3) The director of the state hygienic laboratory at the University of Iowa, or the director's designee.

(4) At least two representatives from academic institutions.

(5) Two members who serve on a county board of supervisors.

(6) At least one economist who has demonstrated experience in public health, health care, or a health-related field.

(7) At least one research analyst.

(8) Four nonvoting members who shall consist of four members of the general assembly, two from the senate and two from the house of representatives, with not more than one member from each chamber being from the same political party. The two senators shall be designated, one member each, by the majority leader of the senate after consultation with the president and by the minority leader of the senate. The two representatives shall be designated, one member each, by the speaker of the house of

representatives after consultation with the majority leader of the house of representatives and by the minority leader of the house of representatives.

(9) One member of the state board of health who shall be a nonvoting member.

~~a. b.~~ Members shall serve for a term of two years and may be reappointed ~~for a maximum of three consecutive terms. Initial appointments shall be in staggered terms.~~

~~b. c.~~ Vacancies shall be filled in the same manner in which the original appointments were made for the balance of the unexpired term.

**186.5(2)** A member's designee shall meet the same criteria for which the member was appointed. The member shall notify the department when the designee will be in attendance. The designee shall have voting rights.

**186.5(3)** Two consecutive unexcused absences of a member or designee shall be grounds for the director to consider dismissal of the council member ~~or committee member~~ and to appoint another. The department staff person assigned to the council ~~or committee~~ is charged with providing notification of absences to the director.

ITEM 7. Amend rule 641—186.6(135A) as follows:

**641—186.6(135A) Meetings.** The council ~~and committee~~ shall ~~each~~ hold a meeting at least quarterly. Notice of routine meetings and agenda should be made available to the members a minimum of five working days prior to the meeting.

**186.6(1)** Persons wishing to submit materials for consideration by the council ~~or committee~~ should submit the materials electronically to the department at least 14 days in advance of the scheduled meeting to ensure that members have adequate time to review the materials.

**186.6(2)** Persons wishing to make a presentation to the council ~~or committee~~ shall submit the request to the department not less than 14 days prior to the meeting. Presentations upon matters appearing on the agenda may be made either at the discretion of the chairperson or the department.

**186.6(3)** All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

**186.6(4)** The council ~~or committee~~ may conduct a meeting by electronic means pursuant to Iowa Code section 21.8.

**186.6(5)** A simple majority of appointed members shall be considered a quorum.

**186.6(6)** Any member or member's designee who is unable to attend a meeting shall notify the department at least 24 hours prior to the start of a regularly scheduled meeting; a meeting may be canceled if a quorum will not be present.

**186.6(7)** When a quorum is present, a position is carried by affirmative vote of the majority of those present.

**186.6(8)** Minutes. Minutes of all meetings showing the date, time, place, members present, members absent, and the general topics discussed shall be kept. The minutes shall reflect the actions agreed upon by the members for topics requiring the members' input or consensus.

ITEM 8. Amend rule 641—186.7(135A) as follows:

**641—186.7(135A) Conflict of interest.** A conflict of interest exists when ~~members~~ a member of the council ~~or committee participate~~ participates in a way that directly affects the financial interests of the council ~~or committee members~~ member.

**186.7(1)** To avoid conflict of interest issues, a council or committee members member who ~~have~~ has a financial interest in an action must abstain from participating in the entire process including discussion and voting.

**186.7(2)** ~~The council or committee~~ Council members who have or think they may have a conflict of interest shall declare that there is or may be a conflict of interest and request a determination from the department.

**186.7(3)** If a conflict of interest is determined to exist, a council or committee members member shall abstain from voting and shall be recorded as abstaining when votes are taken.

ITEM 9. Amend rule 641—186.8(135A) as follows:

**641—186.8(135A) Subcommittees.** The council ~~and committee~~ may designate one or more subcommittees to perform such duties as may be deemed necessary.

ITEM 10. Adopt the following new rule 641—186.9(135A):

**641—186.9(135A) Roles and responsibilities of the department.** The department is the lead agency to administer Iowa Code chapter 135A as amended by 2016 Iowa Acts, Senate File 2159. The department's administration shall include evaluation of and quality improvement measures for the governmental health system.

ITEM 11. Amend **641—Chapter 186**, implementation sentence, as follows:

These rules are intended to implement 2009 Iowa Code Supplement sections 135A.2 to 135A.4 and 135A.5, 135A.8 and 135A.9.