

Senate Study Bill 1103

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the public health system by providing for the
2 voluntary accreditation of certain public health agencies, the
3 adoption of Iowa public health standards, the establishment of
4 an accreditation data collection system, creating a fund, and
5 providing for a penalty and an effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7 TLSB 1148DP 83

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1 1 Section 1. LEGISLATIVE FINDINGS AND INTENT == PURPOSE.

1 2 The general assembly finds all of the following:

1 3 1. A sound public health system is vital to the good
1 4 health of all Iowans. Iowa's public health system reduces
1 5 health care costs by promoting healthy behaviors, preventing
1 6 disease and injury, and protecting the health of the
1 7 population.

1 8 2. The current foundation and organizational capacity for
1 9 the governmental public health system does not allow for the
1 10 equitable delivery of public health services. Governmental
1 11 public health is provided by county boards of health, city
1 12 boards of health, one district board of health, the state
1 13 board of health, and the department. Varying degrees of
1 14 authority, administration, and organizational capacity for
1 15 providing public health services exist from community to
1 16 community.

1 17 3. This Act will allow boards of health, designated local
1 18 public health agencies, and the department to increase system
1 19 capacity, improve the equitable delivery of public health
1 20 services, address quality improvement, improve system
1 21 performance, and provide a foundation to measure outcomes
1 22 through a voluntary accreditation program. This Act will
1 23 assure the public of the availability of a basic level of
1 24 public health service in every community.

1 25 4. This Act is the result of extensive collaboration among
1 26 governmental public health entities, including local boards of
1 27 health, local public health agencies, the department, and the
1 28 state board of health; academia; and professional
1 29 associations.

1 30 Sec. 2. NEW SECTION. 135A.1 SHORT TITLE.

1 31 This chapter shall be known and may be cited as the "Iowa
1 32 Public Health Modernization Act".

1 33 Sec. 3. NEW SECTION. 135A.2 DEFINITIONS.

1 34 As used in this chapter, unless the context otherwise
1 35 requires, the following definitions apply:

2 1 1. "Academic institution" means an institution of higher
2 2 education in the state which grants undergraduate and
2 3 postgraduate degrees and is accredited by a nationally
2 4 recognized accrediting agency as determined by the United
2 5 States secretary of education. For purposes of this
2 6 definition, "accredited" means a certification of the quality
2 7 of an institution of higher education.

2 8 2. "Accrediting entity" means a legal, independent,
2 9 nonprofit or governmental entity or entities approved by the
2 10 state board of health for the purpose of accrediting
2 11 designated local public health agencies and the department
2 12 pursuant to the voluntary accreditation program developed
2 13 under this chapter.

2 14 3. "Administration" means the operational procedures,
2 15 personnel and fiscal management systems, and facility
2 16 requirements that must be in place for the delivery and

2 17 assurance of public health services.

2 18 4. "Committee" means the governmental public health
2 19 evaluation committee as established in this chapter.

2 20 5. "Communication and information technology" means the
2 21 processes, procedures, and equipment needed to provide public
2 22 information and transmit and receive information among public
2 23 health entities and community partners; and applies to the
2 24 procedures, physical hardware, and software required to
2 25 transmit, receive, and process electronic information.

2 26 6. "Council" means the governmental public health advisory
2 27 council as established in this chapter.

2 28 7. "Department" means the department of public health.

2 29 8. "Designated local public health agency" means an entity
2 30 that is either governed by or contractually responsible to a
2 31 local board of health and designated by the local board to
2 32 comply with the Iowa public health standards for a
2 33 jurisdiction.

2 34 9. "Governance" means the functions and responsibilities
2 35 of the local boards of health and the state board of health to
3 1 oversee governmental public health matters.

3 2 10. "Governmental public health system" means the system
3 3 described in section 135A.6.

3 4 11. "Iowa public health standards" means the governmental
3 5 public health standards adopted by rule by the state board of
3 6 health.

3 7 12. "Local board of health" means a county or district
3 8 board of health.

3 9 13. "Organizational capacity" means the governmental
3 10 public health infrastructure that must be in place in order to
3 11 deliver public health services.

3 12 14. "Public health region" means, at a minimum, one of six
3 13 geographical areas approved by the state board of health for
3 14 the purposes of coordination, resource sharing, and planning
3 15 and to improve delivery of public health services.

3 16 15. "Public health services" means the basic public health
3 17 services that all Iowans should reasonably expect to be
3 18 provided by designated local public health agencies and the
3 19 department.

3 20 16. "Voluntary accreditation" means verification of a
3 21 designated local public health agency or the department that
3 22 demonstrates compliance with the Iowa public health standards
3 23 by an accrediting entity.

3 24 17. "Workforce" means the necessary qualified and
3 25 competent staff required to deliver public health services.

3 26 Sec. 4. NEW SECTION. 135A.3 GOVERNMENTAL PUBLIC HEALTH
3 27 SYSTEM MODERNIZATION == LEAD AGENCY.

3 28 1. The department is designated as the lead agency in this
3 29 state to administer this chapter.

3 30 2. The department, in collaboration with the governmental
3 31 public health advisory council and the governmental public
3 32 health evaluation committee, shall coordinate implementation
3 33 of this chapter including but not limited to the voluntary
3 34 accreditation of designated local public health agencies and
3 35 the department in accordance with the Iowa public health
4 1 standards. Such implementation shall include evaluation of
4 2 and quality improvement measures for the governmental public
4 3 health system.

4 4 Sec. 5. NEW SECTION. 135A.4 GOVERNMENTAL PUBLIC HEALTH
4 5 ADVISORY COUNCIL.

4 6 1. A governmental public health advisory council is
4 7 established to advise the department and make policy
4 8 recommendations to the director of the department concerning
4 9 administration, implementation, and coordination of this
4 10 chapter and to make recommendations to the department
4 11 regarding the governmental public health system. The council
4 12 shall meet at a minimum of quarterly. The council shall
4 13 consist of no fewer than fifteen members and no greater than
4 14 twenty-three members. The members shall be appointed by the
4 15 director. The director may solicit and consider
4 16 recommendations from professional organizations, associations,
4 17 and academic institutions in making appointments to the
4 18 council.

4 19 2. Council members shall not be members of the
4 20 governmental public health evaluation committee.

4 21 3. Council members shall serve for a term of two years and
4 22 may be reappointed for a maximum of three consecutive terms.
4 23 Initial appointment shall be in staggered terms. Vacancies
4 24 shall be filled for the remainder of the original appointment.

4 25 4. The membership of the council shall satisfy all of the
4 26 following requirements:

4 27 a. One member who has expertise in injury prevention.

4 28 b. One member who has expertise in environmental health.
4 29 c. One member who has expertise in emergency preparedness.
4 30 d. One member who has expertise in health promotion and
4 31 chronic disease prevention.
4 32 e. One member who has epidemiological expertise in
4 33 communicable and infectious disease prevention and control.
4 34 f. One member representing each of Iowa's six public
4 35 health regions who is an employee of a designated local public
5 1 health agency or member of a local board of health. Such
5 2 members shall include a minimum of one local public health
5 3 administrator and one physician member of a local board of
5 4 health.
5 5 g. Two members who are representatives of the department.
5 6 h. The director of the state hygienic laboratory at the
5 7 university of Iowa, or the director's designee.
5 8 i. At least one representative from academic institutions
5 9 which grant undergraduate and postgraduate degrees in public
5 10 health or other related health field and are accredited by a
5 11 nationally recognized accrediting agency as determined by the
5 12 United States secretary of education. For purposes of this
5 13 paragraph, "accredited" means a certification of the quality
5 14 of an institution of higher education.
5 15 j. Two members who serve on a county board of supervisors.
5 16 k. Four nonvoting, ex officio members who shall consist of
5 17 four members of the general assembly, two from the senate and
5 18 two from the house of representatives, with not more than one
5 19 member from each chamber being from the same political party.
5 20 The two senators shall be designated one member each by the
5 21 majority leader of the senate after consultation with the
5 22 president and by the minority leader of the senate. The two
5 23 representatives shall be designated one member each by the
5 24 speaker of the house of representatives after consultation
5 25 with the majority leader of the house of representatives and
5 26 by the minority leader of the house of representatives.
5 27 l. A member of the state board of health who shall be a
5 28 nonvoting, ex officio member.

5 29 5. The council may utilize other relevant public health
5 30 expertise when necessary to carry out its roles and
5 31 responsibilities.
5 32 6. The council shall do all of the following:
5 33 a. Advise the department and make policy recommendations
5 34 to the director of the department concerning administration,
5 35 implementation, and coordination of this chapter and the
6 1 governmental public health system.
6 2 b. Propose to the director public health standards that
6 3 should be utilized for voluntary accreditation of designated
6 4 local public health agencies and the department that include
6 5 but are not limited to the organizational capacity and public
6 6 health service components described in section 135A.6,
6 7 subsection 1, by October 1, 2009.
6 8 c. Recommend to the department an accrediting entity and
6 9 identify the roles and responsibilities for the oversight and
6 10 implementation of the voluntary accreditation of designated
6 11 local public health agencies and the department by January 2,
6 12 2010. This shall include completion of a pilot accreditation
6 13 process for one designated local public health agency and the
6 14 department by July 1, 2011.
6 15 d. Recommend to the director strategies to implement
6 16 voluntary accreditation of designated local public health
6 17 agencies and the department effective January 2, 2012.
6 18 e. Periodically review and make recommendations to the
6 19 department regarding revisions to the public health standards
6 20 pursuant to paragraph "b", as needed and based on reports
6 21 prepared by the governmental public health evaluation
6 22 committee pursuant to section 135A.5.
6 23 f. Review rules developed and adopted by the state board
6 24 of health under this chapter and make recommendations to the
6 25 department for revisions to further promote implementation of
6 26 this chapter and modernization of the governmental public
6 27 health system.
6 28 g. Form and utilize subcommittees as necessary to carry
6 29 out the duties of the council.

6 30 Sec. 6. NEW SECTION. 135A.5 GOVERNMENTAL PUBLIC HEALTH
6 31 EVALUATION COMMITTEE.

6 32 1. A governmental public health evaluation committee is
6 33 established to develop, implement, and evaluate the
6 34 governmental public health system and voluntary accreditation
6 35 program. The committee shall meet at least quarterly. The
7 1 committee shall consist of no fewer than eleven members and no
7 2 greater than thirteen members. The members shall be appointed
7 3 by the director of the department. The director may solicit

7 4 and consider recommendations from professional organizations,
7 5 associations, and academic institutions in making appointments
7 6 to the committee.

7 7 2. Committee members shall not be members of the
7 8 governmental public health advisory council.

7 9 3. Committee members shall serve for a term of two years
7 10 and may be reappointed for a maximum of three consecutive
7 11 terms. Initial appointment shall be in staggered terms.
7 12 Vacancies shall be filled for the remainder of the original
7 13 appointment.

7 14 4. The membership of the committee shall satisfy all of
7 15 the following requirements:

7 16 a. At least one member representing each of Iowa's six
7 17 public health regions. Each representative shall be an
7 18 employee or administrator of a designated local public health
7 19 agency or a member of a local board of health. Such members
7 20 shall be appointed to ensure expertise in the areas of
7 21 communicable and infectious diseases, environmental health,
7 22 injury prevention, healthy behaviors, and emergency
7 23 preparedness.

7 24 b. Two members who are representatives of the department.

7 25 c. A representative of the state hygienic laboratory at
7 26 the university of Iowa.

7 27 d. At least two representatives from academic institutions
7 28 which grant undergraduate and postgraduate degrees in public
7 29 health or other health-related fields.

7 30 e. At least one economist who has demonstrated experience
7 31 in public health, health care, or a health-related field.

7 32 f. At least one research analyst.

7 33 5. The committee may utilize other relevant public health
7 34 expertise when necessary to carry out its roles and
7 35 responsibilities.

8 1 6. The committee shall do all of the following:

8 2 a. Develop and implement processes for evaluation of the
8 3 governmental public health system and the voluntary
8 4 accreditation program.

8 5 b. Collect and report baseline information for
8 6 organizational capacity and public health service delivery
8 7 based on the Iowa public health standards prior to
8 8 implementation of the voluntary accreditation program on
8 9 January 2, 2012.

8 10 c. Evaluate the effectiveness of the accrediting entity
8 11 and the voluntary accreditation process.

8 12 d. Evaluate the appropriateness of the Iowa public health
8 13 standards and develop measures to determine reliability and
8 14 validity.

8 15 e. Determine what process and outcome improvements in the
8 16 governmental public health system are attributable to
8 17 voluntary accreditation.

8 18 f. Assure that the evaluation process is capturing data to
8 19 support key research in public health system effectiveness and
8 20 health outcomes.

8 21 g. Annually submit a report to the department by July 1.

8 22 h. Form and utilize subcommittees as necessary to carry
8 23 out the duties of the committee.

8 24 Sec. 7. NEW SECTION. 135A.6 GOVERNMENTAL PUBLIC HEALTH
8 25 SYSTEM.

8 26 1. The governmental public health system, in accordance
8 27 with the Iowa public health standards, shall include but not
8 28 be limited to the following organizational capacity components
8 29 and public health service components:

8 30 a. Organizational capacity components shall include all of
8 31 the following:

8 32 (1) Governance.

8 33 (2) Administration.

8 34 (3) Communication and information technology.

8 35 (4) Workforce.

9 1 (5) Community assessment and planning. This component
9 2 consists of collaborative data collection and analysis for the
9 3 completion of population-based community health assessments
9 4 and community health profiles and the process of developing
9 5 improvement plans to address the community health needs and
9 6 identified gaps in public health services.

9 7 (6) Evaluation.

9 8 b. Public health service components shall include all of
9 9 the following:

9 10 (1) Prevention of epidemics and the spread of disease.

9 11 This component includes the surveillance, detection,
9 12 investigation, and prevention and control measures that
9 13 prevent, reduce, or eliminate the spread of infectious
9 14 disease.

- 9 15 (2) Protection against environmental hazards. This
9 16 component includes activities that reduce or eliminate the
9 17 risk factors detrimental to the public's health within the
9 18 natural or man-made environment.
- 9 19 (3) Prevention of injuries. This component includes
9 20 activities that facilitate the prevention, reduction, or
9 21 elimination of intentional and unintentional injuries.
- 9 22 (4) Promotion of healthy behaviors. This component
9 23 includes activities to assure services that promote healthy
9 24 behaviors to prevent chronic disease and reduce illness.
- 9 25 (5) Preparation for, response to, and recovery from public
9 26 health emergencies. This component includes activities to
9 27 prepare the public health system and community partners to
9 28 respond to public health threats, emergencies, and disasters
9 29 and to assist in the recovery process.
- 9 30 2. The governmental public health system shall include but
9 31 not be limited to the following entities:
- 9 32 a. Local boards of health.
 - 9 33 b. State board of health.
 - 9 34 c. Designated local public health agencies.
 - 9 35 d. The department.

10 1 Sec. 8. NEW SECTION. 135A.7 GOVERNMENTAL PUBLIC HEALTH
10 2 SYSTEM AND ACCREDITATION DATA COLLECTION SYSTEM.

- 10 3 1. The department shall establish and maintain a
10 4 governmental public health system and an accreditation data
10 5 collection system by which the state board of health, the
10 6 director, the department, the council, and the committee may
10 7 monitor the implementation and effectiveness of the
10 8 governmental public health system based on the Iowa public
10 9 health standards.
- 10 10 2. Notwithstanding section 22.7 or any other provision of
10 11 law, local boards of health shall provide to the department
10 12 and the accrediting entity upon request all data and
10 13 information necessary to determine the local board's capacity
10 14 to comply with the Iowa public health standards, including but
10 15 not limited to data and information regarding governance,
10 16 administration, communication and information technology,
10 17 workforce, personnel, staffing, budget, contracts, and other
10 18 program and agency information.
- 10 19 3. The department may share any data or information
10 20 collected pursuant to this section with the council or the
10 21 committee as necessary to perform the duties of the council
10 22 and committee. Data and information provided to the
10 23 department under this section which are confidential pursuant
10 24 to section 22.7, subsection 2, 11, or 50, section 139A.3, or
10 25 other provision of law, remain confidential and shall not be
10 26 released by the department, the council, or the committee.
- 10 27 4. All accreditation files and reports prepared or
10 28 maintained by the accrediting entity are confidential and are
10 29 not subject to discovery, subpoena, or other means of legal
10 30 compulsion for their release. However, the accreditation
10 31 status of an applicant designated local public health agency
10 32 or the department is public information.
- 10 33 5. To the extent possible, activities under this section
10 34 shall be coordinated with other health data collection systems
10 35 including those maintained by the department.

11 1 Sec. 9. NEW SECTION. 135A.8 GOVERNMENTAL PUBLIC HEALTH
11 2 SYSTEM FUND.

- 11 3 1. The department is responsible for the funding of the
11 4 administrative costs for implementation of this chapter. A
11 5 governmental public health system fund is created as a
11 6 separate fund in the state treasury under the control of the
11 7 department. The fund shall consist of moneys obtained from
11 8 any source, including the federal government, unless otherwise
11 9 prohibited by law or the entity providing the funding. Moneys
11 10 deposited in the fund are appropriated to the department for
11 11 the public health purposes specified in this chapter. Moneys
11 12 in the fund shall not be transferred, used, obligated,
11 13 appropriated, or otherwise encumbered except as provided in
11 14 this section. Notwithstanding section 8.33, moneys in the
11 15 governmental public health system fund at the end of the
11 16 fiscal year shall not revert to any other fund but shall
11 17 remain in the fund for subsequent fiscal years.
- 11 18 2. The fund is established to assist local boards of
11 19 health and the department with the provision of governmental
11 20 public health system organizational capacity and public health
11 21 service delivery and to achieve and maintain voluntary
11 22 accreditation in accordance with the Iowa public health
11 23 standards. At least seventy percent of the funds shall be
11 24 made available to local boards of health and up to thirty
11 25 percent of the funds may be utilized by the department.

11 26 3. Moneys in the fund may be allocated by the department
11 27 to a local board of health for organizational capacity and
11 28 service delivery. Such allocation may be made on a matching,
11 29 dollar-for-dollar basis for the acquisition of equipment, or
11 30 by providing grants to achieve and maintain voluntary
11 31 accreditation in accordance with the Iowa public health
11 32 standards.

11 33 4. A local board of health seeking matching funds or
11 34 grants under this section shall apply to the department. The
11 35 state board of health shall adopt rules concerning the
12 1 application and award process for the allocation of moneys in
12 2 the fund and shall establish the criteria for the allocation
12 3 of moneys in the fund if the moneys are insufficient to meet
12 4 the needs of local boards of health.

12 5 Sec. 10. NEW SECTION. 135A.9 RULES.

12 6 The state board of health shall adopt rules pursuant to
12 7 chapter 17A to implement this chapter which shall include but
12 8 are not limited to the following:

12 9 1. Incorporation of the Iowa public health standards
12 10 recommended to the department pursuant to section 135A.5,
12 11 subsection 6.

12 12 2. A voluntary accreditation process to begin no later
12 13 than January 2, 2012, for designated local public health
12 14 agencies and the department.

12 15 3. Rules relating to the operation of the governmental
12 16 public health advisory council.

12 17 4. Rules relating to the operation of the governmental
12 18 public health system evaluation committee.

12 19 5. The application and award process for governmental
12 20 public health system fund moneys.

12 21 6. Rules relating to data collection for the governmental
12 22 public health system and the voluntary accreditation program.

12 23 7. Rules otherwise necessary to implement the chapter.

12 24 Sec. 11. NEW SECTION. 135A.10 PROHIBITED ACTS ==
12 25 FRAUDULENTLY CLAIMING ACCREDITATION == CIVIL PENALTY.

12 26 A local board of health or local public health agency that
12 27 imparts or conveys, or causes to be imparted or conveyed,
12 28 information claiming that it is accredited pursuant to this
12 29 chapter or that uses any other term to indicate or imply it is
12 30 accredited without being accredited under this chapter is
12 31 subject to a civil penalty not to exceed one thousand dollars
12 32 per day for each offense. However, nothing in this chapter
12 33 shall be construed to restrict a local board of health or
12 34 local public health agency from providing any services for
12 35 which it is duly authorized.

13 1 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
13 2 immediate importance, takes effect upon enactment.

13 3 EXPLANATION

13 4 This bill, entitled the Iowa public health modernization
13 5 Act, is to be administered by the department of public health
13 6 in collaboration with the governmental public health advisory
13 7 council and the governmental public health evaluation
13 8 committee. The bill creates a multimember governmental public
13 9 health advisory council, appointed by the director of the
13 10 department to advise the department and make policy
13 11 recommendations concerning administration, implementation, and
13 12 coordination of the bill and the governmental public health
13 13 system. The bill also creates a governmental public health
13 14 evaluation committee, also appointed by the director, to
13 15 develop, implement, and conduct evaluation of the governmental
13 16 public health system and a voluntary accreditation program for
13 17 public health entities. Detailed membership criteria,
13 18 specifying required areas of expertise, are set out for both
13 19 the council and the committee.

13 20 The bill relates to the organization and operation of the
13 21 governmental public health system. The composition and
13 22 organizational components of the system are described in the
13 23 bill. The governmental public health system shall function
13 24 to:

13 25 1. Prevent epidemics and spread of disease.

13 26 2. Protect against environmental hazards.

13 27 3. Prevent injuries.

13 28 4. Promote healthy behavior.

13 29 5. Deal with public emergencies.

13 30 The bill directs the department to establish an
13 31 accreditation data collection system to monitor the
13 32 implementation and effectiveness of the governmental public
13 33 health system based on the Iowa public health standards.
13 34 Local boards of health are required to provide all data and
13 35 information necessary to determine the local board's capacity
14 1 to comply with the Iowa public health standards. The

14 2 department may share data or information with the advisory
14 3 council or the evaluation committee as necessary to perform
14 4 the duties of the council and committee; however, data and
14 5 information which is confidential shall not be released by the
14 6 department, the council, or the committee.

14 7 The bill establishes a governmental public health system
14 8 fund in the state treasury under the control of the
14 9 department. The fund consists of funds obtained from any
14 10 source. Moneys in the fund are appropriated to the department
14 11 for the public health purposes specified in the bill and shall
14 12 not be transferred, used, obligated, appropriated, or
14 13 otherwise encumbered except as provided in the bill. Funds in
14 14 the governmental public health system fund at the end of a
14 15 fiscal year shall not revert to any other fund but shall
14 16 remain in the fund for subsequent fiscal years. At least 70
14 17 percent of the funds are to be made available to local boards
14 18 of health. Grants to local boards are available for obtaining
14 19 voluntary accreditation and dollar-for-dollar matching funds
14 20 are available for equipment.

14 21 The department is required to adopt rules including rules
14 22 concerning the voluntary accreditation of designated local
14 23 public health agencies and the department and to adopt Iowa
14 24 public health standards. A local board of health or local
14 25 public health agency that falsely claims to be accredited is
14 26 subject to a civil penalty not to exceed \$1,000 per day for
14 27 each offense.

14 28 The bill takes effect upon enactment.

14 29 LSB 1148DP 83

14 30 jr/nh/5.3