

**Senate Study Bill 3072 - Introduced**

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

**A BILL FOR**

1 An Act relating to public health including public health  
2 modernization and boards of health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

IOWA PUBLIC HEALTH MODERNIZATION ACT

Section 1. Section 135A.2, Code 2016, is amended to read as follows:

**135A.2 Definitions.**

As used in [this chapter](#), unless the context otherwise requires, the following definitions apply:

1. "*Academic institution*" means an institution of higher education in the state which grants ~~undergraduate and postgraduate~~ 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 an institution of higher education.

~~2. "*Accrediting entity*" means a legal, independent, nonprofit or governmental entity or entities approved by the state board of health for the purpose of accrediting designated local public health agencies and the department pursuant to the voluntary accreditation program developed under [this chapter](#).~~

~~3. "*Administration*" means the operational procedures, personnel and fiscal management systems, and facility requirements that must be in place for the delivery and assurance of public health services.~~

~~4. "*Committee*" means the governmental public health evaluation committee as established in [this chapter](#).~~

~~5. "*Communication and information technology*" means the processes, procedures, and equipment needed to provide public information and transmit and receive information among public health entities and community partners; and applies to the procedures, physical hardware, and software required to transmit, receive, and process electronic information.~~

~~6. 2. "*Council*" means the governmental public health advisory council as established in [this chapter](#).~~

~~7. 3. "*Department*" means the department of public health.~~

1     ~~8.~~ 4. "*Designated local public health agency*" means an  
2 entity that is either governed by or contractually responsible  
3 to a local board of health and designated by the local  
4 board ~~to comply with the Iowa public health standards for a~~  
5 ~~jurisdiction.~~

6     ~~9.~~ "*Governance*" ~~means the functions and responsibilities~~  
7 ~~of the local boards of health and the state board of health to~~  
8 ~~oversee governmental public health matters.~~

9     ~~10.~~ 5. "*Governmental public health system*" ~~means the system~~  
10 ~~described in [section 135A.6](#)~~ local boards of health, the state  
11 board of health, designated local public health agencies, the  
12 state hygienic laboratory, and the department.

13     ~~11.~~ "*Iowa public health standards*" ~~means the governmental~~  
14 ~~public health standards adopted by rule by the state board of~~  
15 ~~health.~~

16     ~~12.~~ 6. "*Local board of health*" means a county or district  
17 board of health.

18     ~~13.~~ 7. "*Organizational capacity*" means the governmental  
19 public health infrastructure that must be in place in order to  
20 deliver public health services.

21     ~~14.~~ "*Public health region*" ~~means, at a minimum, one of six~~  
22 ~~geographical areas approved by the state board of health for~~  
23 ~~the purposes of coordination, resource sharing, and planning~~  
24 ~~and to improve delivery of public health services.~~

25     ~~15.~~ "*Public health services*" ~~means the basic public health~~  
26 ~~services that all Iowans should reasonably expect to be~~  
27 ~~provided by designated local public health agencies and the~~  
28 ~~department.~~

29     ~~16.~~ "*Voluntary accreditation*" ~~means verification of a~~  
30 ~~designated local public health agency or the department that~~  
31 ~~demonstrates compliance with the Iowa public health standards~~  
32 ~~by an accrediting entity.~~

33     ~~17.~~ "*Workforce*" ~~means the necessary qualified and competent~~  
34 ~~staff required to deliver public health services.~~

35     8. "*Public health system*" means all public, private, and

1 voluntary entities that contribute to the delivery of public  
2 health services within a jurisdiction.

3 Sec. 2. Section 135A.3, Code 2016, is amended to read as  
4 follows:

5 **135A.3 Governmental public health system modernization —**  
6 **lead agency.**

7 1. The department is designated as the lead agency in this  
8 state to administer **this chapter**.

9 ~~2. The department, in collaboration with the governmental~~  
10 ~~public health advisory council and the governmental public~~  
11 ~~health evaluation committee, shall coordinate implementation~~  
12 ~~of **this chapter** including but not limited to the voluntary~~  
13 ~~accreditation of designated local public health agencies and~~  
14 ~~the department in accordance with the Iowa public health~~  
15 ~~standards. Such implementation administration shall include~~  
16 ~~evaluation of and quality improvement measures for the~~  
17 ~~governmental public health system.~~

18 Sec. 3. Section 135A.4, Code 2016, is amended to read as  
19 follows:

20 **135A.4 Governmental public health advisory council —**  
21 **legislative intent.**

22 1. It is the intent of the general assembly that Iowa's  
23 governmentally sponsored public health system be effective,  
24 efficient, well-organized, and well-coordinated in order to  
25 have the greatest impact on the improvement of health status  
26 for all Iowans. The governmental public health advisory  
27 council is intended to support this goal, and is established to  
28 provide recommendations to the director of the department to  
29 support improved organization and delivery of critical public  
30 health services across the state.

31 ~~2.~~ 2. A governmental public health advisory council  
32 is established to advise the department and make policy  
33 recommendations to the director of the department concerning  
34 administration, implementation, and coordination of this  
35 chapter and to make recommendations to the department and

1 the state board of health regarding the governmental public  
2 health system. The council shall meet at least quarterly. The  
3 council shall consist of no fewer than fifteen members and  
4 no more than ~~twenty-three~~ twenty-eight members. The members  
5 shall be appointed by the director. The director may solicit  
6 and consider recommendations from professional organizations,  
7 associations, and academic institutions in making appointments  
8 to the council.

9 ~~2. Council members shall not be members of the governmental~~  
10 ~~public health evaluation committee.~~

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

15 4. The membership of the council shall consist of all  
16 of the following members who satisfy all of the following  
17 requirements:

18 ~~a. One member who has expertise in injury prevention.~~

19 ~~b. One member who has expertise in environmental health.~~

20 ~~c. One member who has expertise in emergency preparedness.~~

21 ~~d. One member who has expertise in health promotion and~~  
22 ~~chronic disease prevention.~~

23 ~~e. One member who has epidemiological expertise in~~  
24 ~~communicable and infectious disease prevention and control.~~

25 ~~f. a. One member representing each of Iowa's six public~~

26 ~~health regions~~ Twelve members who is represent various

27 subfields of public health. These members shall provide

28 geographical representation from all areas of the state. Each  
29 of these members shall be an employee of a designated local  
30 public health agency or member of a local board of health.

31 Such members shall include a minimum of one local public health  
32 administrator and one physician member of a local board of  
33 health.

34 ~~g. b.~~ Two members who are representatives of the  
35 department.

1 ~~h.~~ c. The director of the state hygienic laboratory at the  
2 university of Iowa, or the director's designee.

3 ~~i.~~ d. At least ~~one representative~~ two representatives  
4 from academic institutions ~~which grant undergraduate and~~  
5 ~~postgraduate degrees in public health or other related health~~  
6 ~~field and are accredited by a nationally recognized accrediting~~  
7 ~~agency as determined by the United States secretary of~~  
8 ~~education. For purposes of this paragraph, "accredited" means~~  
9 ~~a certification of the quality of an institution of higher~~  
10 ~~education.~~

11 ~~j.~~ e. Two members who serve on a county board of  
12 supervisors.

13 f. At least one economist who has demonstrated experience in  
14 public health, health care, or a health-related field.

15 g. At least one research analyst.

16 ~~k.~~ h. Four nonvoting, ~~ex officio~~ members who shall consist  
17 of four members of the general assembly, two from the senate  
18 and two from the house of representatives, with not more than  
19 one member from each chamber being from the same political  
20 party. The two senators shall be designated, one member each,  
21 by the majority leader of the senate after consultation with  
22 the president and by the minority leader of the senate. The  
23 two representatives shall be designated, one member each, by  
24 the speaker of the house of representatives after consultation  
25 with the majority leader of the house of representatives and by  
26 the minority leader of the house of representatives.

27 ~~l.~~ i. A member of the state board of health who shall be a  
28 nonvoting, ~~ex officio~~ member.

29 5. The council may utilize other relevant public  
30 health expertise when necessary to carry out its roles and  
31 responsibilities.

32 6. The council shall do all of the following:

33 a. Advise the department and make policy recommendations to  
34 the director of the department and the state board of health  
35 concerning ~~administration, implementation, and coordination of~~

1 this chapter and the governmental public health system.

2 ~~b. Propose to the director public health standards~~  
3 ~~that should may be utilized for voluntary accreditation of~~  
4 ~~designated local public health agencies and the department that~~  
5 ~~include but are not limited to the organizational capacity and~~  
6 ~~by the governmental public health service components described~~  
7 ~~in section 135A.6, subsection 1, by October 1, 2009 system.~~

8 ~~c. Recommend to the department an accrediting entity and~~  
9 ~~identify the roles and responsibilities for the oversight and~~  
10 ~~implementation of the voluntary accreditation of designated~~  
11 ~~local public health agencies and the department by January 2,~~  
12 ~~2010. This shall include completion of a pilot accreditation~~  
13 ~~process for one designated local public health agency and the~~  
14 ~~department by July 1, 2011 Develop and implement processes for~~  
15 ~~longitudinal evaluation of the public health system including~~  
16 ~~collection of information about organizational capacity and~~  
17 ~~public health service delivery.~~

18 ~~d. Recommend to the director strategies to implement~~  
19 ~~voluntary accreditation of designated local public health~~  
20 ~~agencies and the department effective January 2, 2012.~~

21 ~~e. Periodically review and make recommendations to the~~  
22 ~~department regarding revisions to the public health standards~~  
23 ~~pursuant to paragraph "b", as needed and based on reports~~  
24 ~~prepared by the governmental public health evaluation committee~~  
25 ~~pursuant to section 135A.5.~~

26 ~~d. Determine what process and outcome improvements in the~~  
27 ~~governmental public health system are attributable to voluntary~~  
28 ~~accreditation.~~

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

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

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

1 ~~f.~~ h. Review rules developed and adopted by the state board  
2 of health under **this chapter** and make recommendations to the  
3 department for revisions to further promote implementation  
4 of **this chapter** and modernization of the governmental public  
5 health system.

6 ~~g.~~ i. Form and utilize subcommittees as necessary to carry  
7 out the duties of the council.

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

10 Sec. 4. Section 135A.8, subsections 2 and 3, Code 2016, are  
11 amended to read as follows:

12 2. The fund is established to assist local boards of health  
13 and the department with the provision of governmental public  
14 health system organizational capacity and public health service  
15 delivery and to achieve and maintain voluntary accreditation  
16 ~~in accordance with the Iowa public health standards.~~ At least  
17 seventy percent of the funds shall be made available to local  
18 boards of health and up to thirty percent of the funds may be  
19 utilized by the department.

20 3. Moneys in the fund may be allocated by the department  
21 to a local board of health for organizational capacity and  
22 service delivery. Such allocation may be made on a matching,  
23 dollar-for-dollar basis for the acquisition of equipment,  
24 or by providing grants to achieve and maintain voluntary  
25 accreditation ~~in accordance with the Iowa public health~~  
26 ~~standards.~~

27 Sec. 5. Section 135A.9, Code 2016, is amended to read as  
28 follows:

29 **135A.9 Rules.**

30 The state board of health shall adopt rules pursuant to  
31 chapter 17A to implement **this chapter** which shall include but  
32 are not limited to the following:

33 ~~1. Incorporation of the Iowa public health standards~~  
34 ~~recommended to the department pursuant to section 135A.4,~~  
35 ~~subsection 6.~~



1 ~~2. A voluntary accreditation process to begin no later than~~  
2 ~~January 2, 2012, for designated local public health agencies~~  
3 ~~and the department.~~

4 ~~3. 1. Rules relating to the operation of the governmental~~  
5 ~~public health advisory council.~~

6 ~~4. Rules relating to the operation of the governmental~~  
7 ~~public health system evaluation committee.~~

8 ~~5. 2. The application and award process for governmental~~  
9 ~~public health system fund moneys.~~

10 ~~6. Rules relating to data collection for the governmental~~  
11 ~~public health system and the voluntary accreditation program.~~

12 ~~7. 3. Rules otherwise necessary to implement the chapter.~~

13 Sec. 6. REPEAL. Sections 135A.5, 135A.6, 135A.7, and  
14 135A.10, Code 2016, are repealed.

15 DIVISION II

16 STATE AND DISTRICT BOARDS OF HEALTH

17 Sec. 7. Section 136.3, subsection 5, Code 2016, is amended  
18 by striking the subsection.

19 Sec. 8. Section 136.3, subsections 6 and 8, Code 2016, are  
20 amended to read as follows:

21 6. Assure that the department complies with Iowa Code, and  
22 ~~administrative rules, and the Iowa public health standards.~~  
23 For this purpose the board shall have access at any time to all  
24 documents and records of the department.

25 8. Advise or make recommendations to the director of public  
26 health, governor, and general assembly relative to public  
27 health and advocate for ~~state and local public health to comply~~  
28 ~~with the Iowa~~ the importance of public health standards for  
29 state and local public health.

30 Sec. 9. Section 137.102, subsection 10, Code 2016, is  
31 amended by striking the subsection.

32 Sec. 10. Section 137.104, subsection 1, paragraph b,  
33 unnumbered paragraph 1, Code 2016, is amended to read as  
34 follows:

35 Make and enforce such reasonable rules and regulations not

1 inconsistent with law, and the rules of the state board, ~~or~~  
2 ~~the Iowa public health standards~~ as may be necessary for the  
3 protection and improvement of the public health.

4 Sec. 11. Section 137.105, subsection 1, paragraph c, Code  
5 2016, is amended to read as follows:

6 c. All members of a district board shall be appointed by  
7 the county board of supervisors from each county represented by  
8 the district. Each county board of supervisors shall appoint  
9 at least one but no more than three members to the district  
10 board, ~~and each county board of supervisors shall appoint the~~  
11 ~~same number of members to the district board. There shall~~  
12 ~~be no more than one board of supervisors member from any~~  
13 ~~participating county on the district board.~~

14 Sec. 12. Section 137.106, subsection 1, Code 2016, is  
15 amended to read as follows:

16 1. A written narrative that explains how ~~the formation of a~~  
17 ~~district board will increase organizational capacity and~~ attain  
18 the capability to provide population-based and personal public  
19 health services ~~compared with operating as individual county~~  
20 ~~boards.~~

21 Sec. 13. Section 137.111, Code 2016, is amended to read as  
22 follows:

23 **137.111 District treasurer and auditor.**

24 Upon establishment of a district board, the district board  
25 shall designate a treasurer ~~of a county within its jurisdiction~~  
26 to serve as treasurer of the district health department, and  
27 shall designate ~~the~~ an auditor ~~of the same county~~ to serve as  
28 auditor of the district health department. ~~The~~ A treasurer or  
29 auditor of any county within the district may also serve in  
30 the capacity of treasurer or auditor of the district health  
31 department, respectively, or the district board may contract  
32 with a third party to act as the treasurer or auditor of the  
33 district health department. A county treasurer's and the or  
34 county auditor's official bonds shall bond may extend to cover  
35 their respective duties performed on behalf of the district

1 health department. ~~A county treasurer shall not serve in~~  
2 ~~the capacity of district health department treasurer without~~  
3 ~~consent from the county and agreement from the treasurer to~~  
4 ~~perform this function, and a county auditor shall not serve~~  
5 ~~in the capacity of district health department auditor without~~  
6 ~~consent from the county and agreement from the auditor to~~  
7 ~~perform this function.~~

8

EXPLANATION

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The inclusion of this explanation does not constitute agreement with  
the explanation's substance by the members of the general assembly.

11 This bill relates to public health, including the Iowa  
12 public health modernization Act and the state and district  
13 boards of health.

14 The bill amends provisions in Code chapter 135A (public  
15 health modernization Act). The bill eliminates and amends  
16 definitions used in the Code chapter and eliminates the  
17 requirements for voluntary accreditation of designated local  
18 public health agencies and the department of public health  
19 and the required development and use of Iowa public health  
20 standards.

21 The bill changes the size and composition of the  
22 governmental public health advisory council to include a  
23 maximum of 28 members and to specifically include 12 members  
24 representing various subfields of public health from local  
25 public health agencies and local boards of health from all  
26 geographic areas of the state, at least two representatives  
27 from academic institutions, at least one economist who has  
28 demonstrated experience in public health, health care, or  
29 a health-related field, and at least one research analyst.  
30 The bill eliminates certain duties of the council and  
31 prescribes additional duties including: (1) to develop and  
32 implement processes for longitudinal evaluation of the public  
33 health system including collection of information about  
34 organizational capacity and public health services delivery,  
35 (2) to determine what process and outcome improvements in the

1 governmental public health system are attributable to voluntary  
2 accreditation, (3) to assure that the evaluation process is  
3 capturing data to support key research in public health system  
4 effectiveness and health outcomes, (4) to develop and make  
5 recommendations for improvements to the public health system,  
6 (5) to make recommendations for resources to support the public  
7 health system, and (6) to annually submit a report on the  
8 activities of the council to the state board of health by July  
9 1.

10 The bill eliminates the governmental public health  
11 evaluation committee which was established to develop and  
12 implement the evaluation of the governmental public health  
13 system and voluntary accreditation program, the specified  
14 organizational capacity components and public health service  
15 components of a governmental public health system, and the  
16 governmental public health system and accreditation data  
17 collection system which was to monitor the implementation and  
18 effectiveness of the governmental public health system based on  
19 the Iowa public health standards.

20 The bill eliminates directives to adopt rules that relate  
21 to the provisions of the Act eliminated in the bill and also  
22 eliminates the section of the Act that established a civil  
23 penalty for a local board of health or local public health  
24 agency fraudulently claiming accreditation. The bill also  
25 makes conforming changes in the Code chapters relating to state  
26 and district boards of health to reflect the changes to the  
27 public health modernization Act.