

## **902 KAR 8:150. Board of health requirements.**

RELATES TO: KRS 45A.340, 61.805-61.850, 211.090, 211.170, 211.1751(1), 212.020, 212.120, 212.210, 212.230, 212.245, 212.350, 212.626, 212.640, 212.780, 212.855, 212.860, 212.880

STATUTORY AUTHORITY: KRS 194A.050, 211.025

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.025, 211.090(3), 211.170, 212.120, and 212.230 together require the Cabinet for Health Services to establish policies and standards of operation for the boards of health for local health departments of Kentucky. This administrative regulation establishes minimum administrative and operational requirements for city-county, county, and district boards of health. This administrative regulation does not apply to the Lexington-Fayette, Louisville-Jefferson or Northern Kentucky Independent District Boards of Health.

Section 1. Definitions. (1) "Agency" is defined at KRS 211.1751(1).

(2) "Agency director" means the administrative officer of the agency.

(3) "Board" means a statutorily mandated governing city-county, county, or district board of health created pursuant to KRS 212.020, 212.640, or 212.855, and does not apply to boards of health serving:

(a) A city of the first class created pursuant to KRS 212.350;

(b) An urban county government created pursuant to KRS 212.626; or

(c) An independent district health department created pursuant to KRS 212.780.

(4) "City-county board" means the statutorily mandated governing body of a county that:

(a) Contains a city of the second class;

(b) Is created pursuant to KRS 212.640; and

(c) Is not contained in a district board.

(5) "County board" means the statutorily mandated governing body of a single county health department created pursuant to KRS 212.020, and does not exist in a district.

(6) "District board" means the statutorily mandated governing body of a multicounty agency created pursuant to KRS 212.855.

(7) "Nongoverning board" means a city-county, or county, board of health that is under the governance of a district board.

Section 2. Compliance. The policies and procedures established by governing boards shall be in compliance with KRS 212.230(1)(c).

Section 3. Functions of a Board. (1) A governing board shall:

(a) Assure that the services provided meet the needs of the local citizenry, to protect and promote public health;

(b) Establish priorities and objectives for:

1. Service delivery, considering federal and state disease prevention and health promotion objectives;

2. Specific health and safety needs of the community; and

3. Resources of the agency.

(c) Assure that financial controls and program evaluation measures are ongoing to facilitate effective and efficient agency services and operations;

(d) Interview and hire an agency director in accordance with 902 KAR 8:040 through 902 KAR 8:140;

(e) Communicate board policies and priorities to the agency director;

(f) Evaluate the performance of the agency director; and

(g) Review information and data provided by the agency director to assess the effectiveness and efficiency of the agency in complying with federal and state public health laws, regulations, and board policies.

(2) A nongoverning board shall:

(a) Maintain a membership on the county public health taxing district board;

(b) Prepare the annual public health tax resolution;

(c) Maintain trusteeship of the county public health tax;

(d) Provide for maintenance and upkeep of the agency building;

(e) Determine the appropriate use of the facility by community groups and other agencies; and

(f) Provide the district board with information regarding specific public health needs and concerns of the city-county or county board.

Section 4. Composition of the Board. (1) A city-county, county, or district board shall not have an ex officio member, except that an official of a county or a city of the second class may be an ex officio member, if he is a:

(a) County judge executive;

(b) Mayor;

(c) City manager; or

(d) Designee of an official named in paragraph (a), (b) or (c) of this subsection.

(2) The board shall elect a chairman from its membership on an annual basis.

(3) A chairman may serve more than (1) consecutive term.

(4) Each officer shall be a member of the board, except for the board secretary, who may be a member of the board.

(5) The agency director may serve as secretary to the board. An agency director of a district agency may serve as secretary to the district board and as secretary to the nongoverning board within the district; or the agency director may designate an employee to serve as secretary of a city-county or county board.

(6) An employee of an agency shall not serve as a member of the board.

(7) A person shall not serve on a board and receive in excess of \$2,000 per year in contract payments, unless approved in writing by the cabinet.

Section 5. Meetings of the Board. (1) A quorum shall be present in order to conduct business.

(2) A vacant position shall be counted when determining the number to be present for a quorum to exist.

(3) A majority of the quorum is required to approve actions of the board.

(4) A telephone poll vote shall not be permitted on an issue considered by the board.

(5) A member of a board shall not be represented by a proxy at a board meeting, except for a member who is an official of a county or a city of the second class, including a:

(a) County judge executive;

(b) Mayor; or

(c) City manager.

(6) Meetings of a board and its committees shall comply with the Kentucky Open Meetings Law, KRS 61.805 to 61.850.

(7) Meetings of a board shall be held at specific times and places convenient to the public.

(8) The board shall provide a schedule of regular meetings, which shall be made available to the public and published in a local newspaper of general circulation.

(9) Board meetings shall be held in locations accessible to individuals with disabilities.

(10) A qualified interpreter for the deaf and hard of hearing shall be made available upon request to the board chairman or agency director at least ninety-six (96) hours prior to the scheduled meeting.

(11) Matters delegated to an executive committee by the board, shall be specifically set forth in the minutes.

(12) An action of an executive committee shall be confirmed by the board and reflected in the board minutes.

Section 6. Minutes of Board Meetings. (1) Actions of the board shall be made a part of the minutes.

(2) Minutes shall be signed by the secretary and chairman of the board.

(3) Minutes shall include the following information:

- (a) Name of the board;
- (b) Date, time, and location of the board meeting;
- (c) Listing of board members present and absent;
- (d) Acknowledgment of a quorum;
- (e) Review and approval or correction of the minutes of the last meeting;
- (f) Presentation of old business;
- (g) Presentation of new business;

(h) Statement of each motion made, identification of member moving and seconding motion, and tabulation of the vote by the members voting either for or against each motion;

(i) Scheduled date of next meeting; and

(j) Motion to adjourn.

(4) Board minutes shall be available in an alternative format within a reasonable period of time when requested by a member of the public demonstrating need.

(5) A permanent copy of the official minutes shall be maintained and kept on file by the agency.

(6) A signed copy of the minutes of the board shall be submitted to the cabinet within two (2) weeks after the date of the meeting.

Section 7. Conflicts of Interest. (1) A member of a board shall comply with the KRS 45A.340, Conflicts of interest of public officers and employees.

(2) A board member or a member of his family shall not be considered for a contract, lease or bid for services, in excess of \$2000, unless the services are in the best public interest and have the prior approval in writing of the cabinet.

(3) If a board member or a member of his immediate family is considered for approval for a contract, lease, or bid to provide services to the agency, the board member shall:

(a) Leave the board meeting prior to discussion of the contract, lease or bid; and

(b) Not be allowed a vote on the contract, lease or bid.

(4) The board minutes shall reflect the board member was absent from the discussion because of a conflict of interest and was not permitted a vote.

Section 8. Training for Board Members. (1) A new member appointed to the board shall receive training from the agency director or other appropriate agency representative.

(2) The training shall include discussion or written materials on the following topics:

(a) Statutory responsibilities and functions of the cabinet, agency, and the board;

(b) Board laws, regulations, and local ordinances;

(c) Board members' responsibilities and functions;

(d) Agency services sites and the services provided at these sites;

(e) Agency staff by discipline or profession;

(f) Review of agency medical and environmental services, budget and annual report;

(g) Board minutes for the last calendar year; and

(h) Tour of the agency's main facility or, if feasible, a tour of satellite or remote site.

Section 9. Board Regulations. (1) Internal board regulations and ordinances shall be indexed and placed in an agency's local board of health policy manual.

(2) New policies shall be placed in the manual no later than thirty (30) days after approval by the board and the cabinet, if applicable.

Section 10. Legal Advice. A board created pursuant to KRS 212.020, 212.640, or 212.855, may employ counsel as needed to act as legal advisor for the board. (28 Ky.R. 763; Am. 1155; 1398; eff. 12-19-2001; 29 Ky.R. 815; 1275; eff. 10-16-02.)