

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 79, relative to town health officers.

Hearing Date: April 12, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward and Perkins Kwoka

Members of the Committee Absent : Senator Soucy

Bill Analysis: This bill modifies the law regarding town health officers by deleting the residency requirement, adding a training requirement and a criminal background check, and adding a reporting requirement.

Sponsors:

Rep. Marsh
Rep. Avellani
Sen. Bradley

Rep. Salloway
Rep. Edwards
Sen. Sherman

Rep. Merchant
Rep. Deshaies

Who supports the bill: Senator Tom Sherman, Senator Jeb Bradley, Representative William Marsh, Natch Greyes, Matthew Cahillane

Who opposes the bill: Eric Pauer

Summary of testimony presented in support:

Representative William Marsh

- He has been the Health Officer in the town of Brookfield since 2002.
- This legislation began as a request from the NH Health Officers Association.
- It is a key piece in the effort to strengthen the public health system in NH.
- Section 1 updates the appointment of Health Officers and requires them to provide contact information to DHHS.
- Section 2 removes the requirement that a Health Officer be a state resident.
- Section 3 requires local boards of health to meet at least once a year and report to DHHS on their readiness to address public health threats.
- Section 4 allows Deputy Health Officers to continue to serve when the Health Officer position becomes vacant.
- Section 5 allows a single person to be the Health Officer for several towns.
- Section 6 adds training of Health Officers by DHHS, background checks, and rulemaking.
- This section also requires the Health Officers Association to report to various state health agencies and advisory boards on NH's readiness for the next pandemic.
- Section 7 give Health Officers new duties and authority in the event of a public health emergency.

- Section 8 allows data sharing between Health Officer's and DHHS. This is necessary to make NH's public health system a system where local officials can work together with state officials.
- Section 9 requires DES to provide a copy of notices closing pools to local health officers and was a request of the Littleton Health Officer.
- Senator Perkins Kwoka asked if there were any advocacy organizations involved in drafting Sections 6 and 7.
 - Representative Marsh replied there was not, he drafted them.
- Senator Ward asked what the current qualifications for a Health Officer are.
 - Representative Marsh replied that there have been minimal qualifications required so far but one of the objectives of this bill is to increase the training for Health Officers. Currently there is no training required.
- Senator Ward asked if the Deputy Health Officer is required to live in the area.
 - Representative Marsh replied that he does not believe so, but he will look at the statute. The issue that this bill hopes to address is if a Health Officer moves away or leaves the job for some other reason, currently the Deputy Health Officer is required to leave as well. This leaves the town with nobody in charge. This bill will allow the Deputy to take over the position if appropriate.
- Senator Ward commented that in order to do the job, it would seem that the Health Officer needs to be close to the area they serve.
 - Representative Marsh replied that he agrees with that, but some towns do not have qualified people. Many have hired someone out of state if they are close to the border.

Natch Greyes - NH Municipal Association

- There are a number of local Health Officers who have pushed for these changes.
- COVID has taught us that we do need better communication between the local and state level in the area of Health Officers and this bill will provide that.
- Senator Perkins Kwoka asked if there were any drafting points that NHMA worked on with the prime sponsor.
 - Mr. Greyes replied that they provided some feedback but did not help draft it.

Matthew Cahillane – NH DHHS – Division of Public Health Services

- DHHS has worked with Representative Marsh to develop the language for this bill.
- They believe the proposed changes will assist Health Officers to become more competent and better protect local public health.
- COVID-19 has provided many opportunities for DHHS to assess and identify areas for improvement and further collaboration with local health officials.
- Gaps identified include the need to improve communication, clarify local public health readiness, and support for basic training of local Health Officers.
- The provisions in Sections 1 and 2 will allow more flexibility for municipalities to recruit qualified officers.
- In section 3 the local board of health will be required to meet with DHHS one per year to review public threats and readiness to respond to them.
- Public health threats can include communicable diseases, sanitary conditions in housing, pest or rodent infestations, health nuisances in the form of waste, noise, and odors, and hoarding possessions or animals.

- In section 4, the legislation would require that health officers and deputy health officers share the same appointment term of office yet allows for more flexibility for deputies should the health officer position become vacant during the term.
- The bill provides for an extension of the deputy's term until such time as the vacant health officer position is filled.
- They believe this would allow municipalities greater continuity at the local level until a new health officer is appointed.
- Section 5, would allow, in RSA 128:2, communities more hiring opportunity with recruitment and expand the pool of eligible applicants for health officer positions.
- Section 6 of HB 79 would require newly appointed health officers to attend a three-hour training to understand the state laws that protect or improve sanitary conditions.
- DHHS finds that much of the technical advice provided to health officers relates to interpreting and correctly enforcing existing health laws.
- The bill includes a requirement for a criminal history record check for health officers by the Department of Safety to ensure that they have no prior convictions that might affect their ability to carry out their duties and ensure public safety.
- The inclusion of an annual reporting requirement to both the Health and Human Services Oversight Committee and to the State Health Assessment (SHA) and State Health Improvement Plan (SHIP) Advisory Council will ensure that important information on readiness and capacity of local health officials is shared with the legislature.
- In Section 7, the bill provides that health officers can enforce orders pursuant to RSA 4:47 and inform the Commissioner of any substantive noncompliance with those orders during a declared public health emergency.
- In Section 8, the bill would add language that the Department may share information, as necessary, with town and city health officers acting in accordance with their duties under RSA 141-C:5.
- Sharing of information will only happen provided that the Health Officer has proof of completion of training on confidentiality and security laws and regulations and has signed a confidentiality agreement. This proposed change would apply to both town and city governments.
- In section 9, the bill would require that the NH DES inform local health officers of any emergency closure notices for public pools.
- DHHS acknowledges that the changes included in the bill will provide greater flexibility for local government to nominate Health Officers and improve the ability of Health Officers to fulfill their duties under specific state laws.

Summary of testimony presented in opposition: None