

Association of Ohio Health Commissioners (AOHC) Role of Local Health Districts as Delegated

Authorities of State Agencies

10/10/2017

Background

Ohio's local health districts (LHDs) throughout the state share the statutory obligation to assure the preservation and improvement of public health in Ohio. This authority is shared primarily with three state agencies: the Ohio Department of Health (ODH), the Ohio Department of Agriculture (ODAg), and the Ohio Environmental Protection Agency (OEPA). Here are examples of programs governed by both state law and rule, where the local health districts are responsible for day-to-day oversight and enforcement on behalf of the state:

Rabies/Vector Control*

Nuisance Abatement*

Communicable Disease Control*, including investigation, quarantine, and reporting
Food Service Operations, e.g., restaurants
Retail Food Establishments, e.g., grocery stores
Campgrounds

Home Sewage Treatment Systems
Facilities

Maternity Units

Pools/Spas

Private Water Systems, e.g, wells
spreadsheet

Residential Camps

Residential Camps

Tattoo Parlors

Schools*

Smokefree Workplace Act*

Solid Waste Facilities**

Construction and Demolition Debris

Small Flow Commercial Sewage Systems

Vital Statistics

Child Fatality Review

For a complete list, refer to attached

*** For the programs asterisked above, there is no statutory authority to charge a state or local fee for program implementation.**

**** The Solid Waste Facility statute provides optional authority for funding local health districts for oversight and enforcement activities. Some solid waste districts do not adequately fund their local health districts for these purposes; some do not fund local health at all, but still require LHDs to handle solid waste nuisance complaints.**

Considerations for Elimination/Revision of State Mandates

- Within the past few years, some mandates have been eliminated or revised, e.g., manufactured home parks, marinas, schools. For the most part, the remaining programs probably serve a core public health purpose in at least some local jurisdictions in Ohio.
 - Should there be a mechanism by which a local health jurisdiction declines delegation from the state for any program it may choose not to do?

- Efforts toward the streamlining of two key environmental health programs (food service and pools) have been stalled recently in the legislature. Reporting to two different state agencies for these locally implemented programs is the greatest source of duplication and inefficiency. AOHC strongly supports the consolidation of both programs under the Ohio Department of Health.
- Automation of the programs, including transmission of data and funds between local and state agencies, is badly needed to maximize efficiency and customer service. This automation should include a comprehensive electronic health record (not just selected registries) and vital statistics records related to deaths. The automation of environmental health programs has just begun; it must be continued until fully implemented across all programs, including food, and exchange of data and funds between the state and local levels.
- Efforts to enact local regulations to proactively address public health issues have been thwarted by the recent AG opinion issued to Wood County (2009-026).
 - Should there be enabling legislation that is very narrowly defined to permit local boards of health to enact local regulations with fees for the specific purpose of preventing and/or abating public health nuisances?
 - If so, how is the balance between standardization statewide and local need achieved?

Subject/Topic	Program Area	Ohio Revised Code	Ohio Administrative Code	Federal & Other National Guidance	Mandated?
Private Water Systems, Water Wells	EH	ORC 3701.344	OAC 3701-28		Y(2)
Swimming Pools/Spas	EH	ORC 3749	OAC 3701-31	Model Aquatic Health Code	Y(2)
Camps, RV Parks, Manufactured Homes	EH	ORC 3729	OAC 3701-25		Y (2)
Camps, RV Parks, Manufactured Homes	EH	ORC 3733	OAC 3701-26		Y (2)
Camps, RV Parks, Manufactured Homes	EH	-	OAC 3701-27		Y (2)
Camps, RV Parks, Manufactured Homes	EH	-	OAC 4781		Y (2)
Food Regulation (food services ops - restaurants)	EH	-	OAC 3701-21		Y (2)
Food Regulation (retail food establishments)	EH		OAC 901:3-4		Y (2)
Food Regulation Farm Markets	EH		OAC 901:3-6		Y (2)
Food Regulation/Food Safety Code	EH	ORC 3717	OAC 3717-1	FDA Model Food Code	Y (2)
Home Sewage (Septic)	EH	ORC 3718	OAC 3701-29		Y (2)
Home Sewage (Septic)	EH	ORC 3709.091			Y (2)
Home Sewage (Septic)/NPDES permit	EH	NPDES	NPDES Permit OHK000002		Y (2)
Solid & Hazardous Wastes	EH	ORC 3734		RCRA	Y (2)
Communicable Disease Reporting	CD		OAC 3701-3-02		Y
Local Health District Standards	Admin	-	OAC 3701-36-03	PHAB	Y
Maternity Units	PH	ORC 3711.10	OAC 3701-7	-	Y
Nuisance	General	ORC 3707.01			Y
Nuisance	General	ORC 3707.02			Y
Nuisance	General	ORC 3709.21			Y
Order Violation/Penalties	General	ORC 3707.48			Y
Order Violation/Penalties	General	ORC 3707.99			Y
Pesticides NPDES/Mosquito Control	CD		NPDES		Y
Quarantine/ Isolation	CD	ORC 3707.08	-	CDC	Y
Rabies/Animal Bites	CD	ORC 955.26	OAC 3701-3-29		Y
Rabies/Animal Bites	CD	ORC 055.261	OAC 3701-3-30		Y
Schools	EH	ORC 3707.03			Y
Schools	EH	ORC 3707.26			Y

Tattoos, Body Piercing	EH	ORC 3730	OAC 3701-9		Y
Vaccination/Immunization	CD	ORC 3707.27		ODH Emergency Standing Orders	Y
Vital Statistics	Admin	ORC 3705	OAC 3701-5		Y
Vital Statistics/Birth & Death Certificates	Admin	ORC 3705	OAC 3701-5		Y
District Licensing Council	Admin	ORC 3709.41			Y
HIV and AIDS Reporting	CD	ORC 3701.24			Y
Annual Conferences - ODH to provide for	Admin	ORC 3701.29			Y
Hospitals for Contagious Disease - cities	CD	ORC 3707.29			Y
Removal to Persons to Hospitals est. in 3707.29	CD	ORC 3707.3			Y
Distribution of Anti-toxin	CD	ORC 3709.25			Y
Smoking Enforcement	EH	ORC 3794	OAC 3701-52		Y(1)
Child Fatality Review	Admin	ORC 307.662	-	-	Y(4)
Medically Handicapped Children (BCMH)	Clinical Svcs.	ORC 3701.023	-	-	Y(2), (4)
-		-	-		
-		-	-		

Admin = Administrative
EH = Environmental Health
CD = Communicable Disease

(1) No except by Contract
(2) ODH or OEPA Survey/Subsidy dependant
(3) By local Rule Only
(4) Mandated to County Commissioners