

CHAPTER 539

H.B. No. 1114

An Act relating to the organization, powers, and duties of health authorities, public health districts, local health departments, and local health units, and to the powers and duties of a governing body of an incorporated municipality or a commissioners court of a county concerning those public health entities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1.03, Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), is amended by adding Subdivision (14) to read as follows:

(14) "Local health unit" means a division of city or county government that provides limited public health services as provided by Section 4.09 of this Act.

SECTION 2. Article II, Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), is amended to read as follows:

ARTICLE II. CITIES AND COUNTIES

Sec. 2.01. The governing body of an incorporated municipality or ~~and~~ the commissioners court of a county is ~~shall be~~ empowered to enforce any law which is reasonably necessary to protect the public health.

Sec. 2.02. ~~The commissioners court of each county shall appoint a physician to serve the needs of the prisoners in jails. Such appointments shall be made on terms which are acceptable to the parties.~~

~~[Sec. 2.03.]~~ The governing bodies of incorporated municipalities and the commissioners courts of the counties ~~[wherein such municipalities are situated]~~ may cooperate with one another in making necessary improvements and providing services to promote the public health in accordance with The Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes); ~~and they shall provide for payment of all costs].~~

Sec. 2.03 ~~[2.04]~~. The governing body of an incorporated municipality or the commissioners court of a county which has not established a public health district or a local health department may appoint a health authority to serve its jurisdiction. The commissioners court shall set the compensation of its health authority, except that the compensation, including a salary, may be allowed only for services actually rendered ~~[regional director for the region in which the city or county is located may be appointed to serve as the health authority].~~

SECTION 3. Sections 3.02(a) and (b), Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A health authority shall be:

(1) a competent physician who is legally qualified to practice medicine under the laws of this state and who is of reputable professional standing; and

(2) a resident of the State of Texas ~~[and of the jurisdiction to which he or she is appointed, except when a regional director is appointed under Section 2.04 of this Act].~~

(b) A health authority is a state officer when performing duties prescribed by state law. An appointee must take and subscribe to the official oath and file a copy of the oath and appointment with the board. He or she shall not be deemed legally qualified until such documents are filed. A health authority serves for a term of two years and may be reappointed for successive terms.

SECTION 4. Section 4.04, Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.04. (a) The members shall appoint a director of the public health district ~~[subject to approval by the board].~~

(b) ~~[(a)]~~ The director shall be a physician and shall be the health authority within the jurisdiction of the public health district. Nonphysicians serving as directors on the effective date of this Act may continue to serve in that capacity, in which case the members shall appoint a physician to be the health authority within the jurisdiction of the public health district.

(c) ~~[(b)]~~ The director shall serve as an ex officio nonvoting member of any public health board established by the cooperative agreement.

(d) A member may designate a person to perform its appointment duties under this section.

SECTION 5. Section 4.07(c), Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The governing body of an incorporated municipality or the commissioner's court of a county shall appoint a physician as a director of the local health department, and the director shall be the health authority within the jurisdiction of the local health department ~~[subject to the approval of the board]~~. Nonphysicians serving as directors on the effective date of this Act may continue to serve in that capacity, in which case the governing body or the commissioners court shall appoint a physician to be the health authority within the jurisdiction of the local health department. The governing body or the commissioners court may designate a person to perform its appointment duties under this section. The commissioners court shall set the compensation of the director and the health authority in its jurisdiction, except that the compensation, including a salary, may be allowed only for services actually rendered.

SECTION 6. Section 4.08, Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.08. (a) *The governing body of an incorporated municipality, the commissioners court of a county, or the administrative board of a public health district may adopt ordinances or rules to charge fees for [Local health departments and public health districts are authorized to charge fees to persons who receive] public health services subject to the following:*

(1) *no individual [person] shall be denied public health services because of inability to pay for services, and the municipality, county, or [local health department or public health] district shall make provisions for a reduced fee or no fee for individuals [persons] unable to pay for services in whole or in part; and*

(2) *if a local health unit, local health department, or [a] public health district receives state support for the provision of public health services, then the Uniform Grant and Contract Management Act of 1981 (Article 4413(32g), Vernon's Texas Civil Statutes), and standards adopted pursuant to that Act shall control where applicable.*

(b) *For purposes of this section, "public health services" means personal health promotion and maintenance services, infectious disease control and prevention services, environmental and consumer health programs, laboratory services, public health education and information services, and administrative services.*

SECTION 7. Article IV, Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), is amended by adding Section 4.09 to read as follows:

Sec. 4.09. (a) *For purposes of this Act, a public health district, local health department, and local health unit shall be identified by its program of public health services.*

(b) *A public health district and a local health department shall provide at least:*

(1) *personal health promotion and maintenance services;*

(2) *infectious disease control and prevention services;*

(3) *environmental and consumer health programs for enforcement of health and safety laws related to food, water, waste control, general sanitation, and vector control;*

(4) *public health education and information services;*

(5) *laboratory services; and*

(6) *administrative services.*

(c) *A division of a city or county government providing public health services that does not qualify as a public health district or local health department under Subsection (b) of this section is classified as a local health unit.*

(d) *A public health district, local health department, or local health unit may become affiliated with the department to facilitate the exchange of information and the coordination of public health services. To become affiliated, the entity shall annually provide to the department information concerning:*

(1) *services provided;*

(2) *staffing patterns; and*

(3) *funding sources and budget.*

(e) *The department may enter into contracts with public health districts, local health departments, and local health units for the provision of public health services.*

(f) *The board may adopt rules necessary to implement this section. However, nothing in this Act shall be construed to grant the board of any district created hereunder the power to adopt rules or regulations for any part of the district which are not otherwise specifically authorized by state law.*

SECTION 8. Section 5.03, Local Public Health Reorganization Act (Article 4436b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.03. *The board or its designee may appoint a regional director to perform the duties of a health authority. The regional director may perform the duties of [shall act as] a health authority within the region as authorized by the board or the commissioner [as follows: (1) in a jurisdiction which is not served by a health authority or [public health district or a local health department; (2) in a jurisdiction served by a [which has a public health district or local health department whose] health authority who has failed to perform duties prescribed by the board pursuant to Section 3.01 of this Act; (3) in a jurisdiction which has a public health district or a local health department where no health authority has been appointed until the appointing authority shall fill the office; or (4) in a jurisdiction which has appointed the regional director to serve as a health authority under Section 2.04 of this Act].*

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 17, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 12, 1985

Effective: August 26, 1985