

# SENATE NO. 678

## **AN ACT** TO IMPROVE THE EFFECTIVENESS OF PUBLIC HEALTH SERVICES AND PROMOTION OF PREVENTION.

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Section of chapter 111 of the general laws, as most recently appearing in the 2004  
2 Official Edition, is hereby amended by inserting after section 3B, the following new section:--  
3 Section 3C . State aid for Public Health; determination  
4 Section 3C. The state treasurer shall annually, on or before July first, pay from monies  
5 appropriated from the Local Aid Fund for the purpose of improving and sustaining the  
6 effectiveness of public health services and disease prevention, to each city or town certified by  
7 the public health council to have met certain minimum standards of public health programs and  
8 services established by said council, an amount to be used for the administration, delivery of  
9 public health services and disease prevention of said city or town, to be determined as  
10 follows:—  
11 (1) to each town having a population of less than two thousand five hundred, a sum equivalent  
12 to the amount appropriated by it for the board or department of public health during the  
13 preceding year, but in no event more than one thousand two hundred and fifty dollars;

14 (2) to each city and to each town having a population of two thousand five hundred or more, a  
15 sum not exceeding fifty cents for each resident therein; provided, however, that such city or  
16 town appropriates during the preceding year for its board or department of public health at least  
17 one thousand two hundred and fifty dollars;

18 (3) to each city and town or to a region, in addition to the amount specified in paragraph (1) or  
19 (2), an additional sum determined by allocating the remaining available amount among the  
20 cities and towns based on the leading health indicators as established by the council and an  
21 assessment of the funding needed to address the top three health indicators of each community  
22 or in a region;

23 (4) in addition to the amounts specified in paragraphs (1), (2) and (3), to any city, town, or  
24 region whose public health needs are so extensive as to be designated “a community or region  
25 of critical health concern,” by said public health council, an amount for the purpose of  
26 offsetting the costs of extending aid to assist the said community or region of critical health  
27 concern. Said amount shall be determined by said council by allocating the sum appropriated for  
28 this purpose according to criteria and formulae developed by said council in consultation with  
29 the appropriate public health region established under section 4 of this act.

30 No city or town shall receive any money under this section in any year when the appropriation  
31 of said city or town for the board or department of public health is below an amount equal to the  
32 average of its appropriation for the board or department of public health for the three years  
33 immediately preceding, increased by two and one-half per cent of said average. Said public  
34 health council may, upon petition of a community, waive aforesaid requirement upon  
35 demonstration of fiscal hardship. Said waiver may only be granted by said council in a given  
36 fiscal year to not more than ten cities and towns in the commonwealth.

37 In establishing the minimum standards of public health programs and services, the council shall  
38 address the action steps needed for improving the health status of the residents of the  
39 commonwealth through an assessment of, and action steps for addressing, the leading health  
40 indicators including, but not limited to, Physical Activity, Overweight and Obesity, Tobacco  
41 Use, Substance Abuse, Responsible Sexual Behavior, Mental Health, Injury and Violence,  
42 Environmental Quality, Immunization, and Access to Health Care.

43 SECTION 2. Section of chapter 111 of the general laws, as most recently appearing in the 2004  
44 Official Edition, is hereby amended by inserting after section 3C established by this act, the  
45 following new section:--

46 Section 3D. State aid for Public Health; annual reports by local health agencies; requisites for  
47 aid

48 Section 3D . The public health council, in setting up minimum standards for local public health  
49 services to address deficiencies in the leading health indicators and in certifying such local  
50 boards of health or departments of public health for aid under section A shall require the filing  
51 of an annual report with the state department of public health and with the house and senate  
52 chairs of the joint legislative committee on public health, the house and senate chairs of the joint  
53 committee on mental health and substance abuse, the house and senate chairs of the joint  
54 committee on health care financing, and the chairs of the house and senate committees on ways  
55 and means, and shall require that such boards of health or departments of public health:

- 56 (1) serves all residents of the commonwealth residing in the respective community,  
57 (2) make no charge for normal public health education and prevention services except to cover  
58 cost of such service and, provided, that such service shall not be denied to any person because  
59 of inability to pay any applicable fee,

- 60 (3) employ trained personnel in accordance with regulations promulgated by the public health  
61 council,
- 62 (5) expend a reasonable portion of the board of health's or department of health's total budget  
63 on prevention,
- 64 (6) cooperates with other local boards of health and departments of public health, regional  
65 public health agencies, the state department of public health, and the centers for disease control  
66 and prevention,
- 67 (7) include in their annual report the expenditures and source of funding, which shall be subject  
68 to an audit by the state auditor.

69 SECTION 3. Section 4 of chapter 111, as most recently appearing in the 2004 Official Edition,  
70 is hereby amended, by striking the current title, and inserting a new title, and by inserting at the  
71 end thereof, the following paragraph:

72 Section 4. Regional public health services; annual appropriation

73 The public health council shall establish a comprehensive statewide program of regional  
74 public health services, consisting of regional offices of the state department of public health,  
75 which shall not exceed eight, for the purpose of providing reference and research services,  
76 interagency loan, delivery, and other regional services to boards of health and public health  
77 departments, community health centers, school-based health centers, area health education  
78 centers, health education training centers, and other public health entities in the region. For each  
79 public health region, the council shall designate a lead administrative agency which may, if  
80 appropriate, be the area health education center. For such purpose, there shall be an annual  
81 appropriation which the council shall apply in the following manner:

82 (1) Insofar as practicable the council shall enter into an arrangement or arrangements with such  
83 public health departments in each regional area as it may determine under the terms of which  
84 such public health departments shall supply services or space, equipment, personnel, supplies,  
85 inspectional and enforcement services and other public health materials to communities having  
86 fewer than twenty-five thousand inhabitants;

87 (2) Any regional public health service under an approved plan shall be entitled to receive  
88 annually in state aid an amount per capita of its served population per square mile of the area  
89 served in accordance with the schedules established by the council.

90 (3) Any employee employed in a position identified as a regional position in a public health  
91 department which accepts funds under this section shall not be required to comply with  
92 residency requirements. For purposes of this section, "regional position" shall mean a full-time  
93 or part-time position for which at least fifty per cent of the funding is provided by the  
94 commonwealth pursuant to this section

95 SECTION 4. Section of chapter 111 of the general laws, as most recently appearing in the 2004  
96 Official Edition, is hereby amended by inserting after section 4 as amended by this act, the  
97 following new section 4A:--

98 Section 4A. Regional public health service; council of members

99 Section 4A. For each regional public health service, the public health council shall establish a  
100 regional public health service advisory council which shall consist of the chairman of the board  
101 of health, commissioner or director of the local department of public health or another board of  
102 health member or departmental officer to be so designated by the board of health or  
103 commissioner or director, as the case may be, or other appropriate administrative authority of  
104 each participating community and one designated representative from participating school based

105 health centers within each public school district and one representative from the participant  
106 from each visiting nurse agency and acute care community hospital or community health center  
107 within each public health region. The duties and responsibilities of the council of members shall  
108 be specified in the bylaws of the public health regions as approved by the public health council.

109 SECTION 5. Section of chapter 111 of the general laws, as most recently appearing in the 2004  
110 Official Edition, is hereby amended by inserting after section 4A as established in this act, the  
111 following new section:--

112 Section 4B. Public health services; comprehensive statewide program; funds; standards

113 Section 4B. The public health council, hereinafter called the council, shall, subject to  
114 appropriation, establish a comprehensive statewide program for the improvement of public  
115 health for all citizens and the improvement of the health status of all residents of the  
116 commonwealth. Such funds as may be appropriated shall be distributed by the council for the  
117 following purposes:

118 (1) for the establishment of statewide inter-operative technology system for the communication  
119 of public health information and public health emergency information, and for monitoring  
120 public health conditions;

121 (2) for the establishment and development of cooperation and coordination among public health  
122 agencies, including the authority to:

123 (a) provide coordination and administration of cooperative statewide public health programs or  
124 services and statewide coordination of regional programs;

125 (b) provide for identification and tracking of critical health indicators;

- 126 (c) provide statewide access to specialized health resources and public health information  
127 services, including, but not limited to the National Library of Medicine's Medline Plus program  
128 at the University of Massachusetts Medical School;
- 129 (d) participate in interstate public health services if such participation will increase the  
130 availability of public health services to the commonwealth and its political subdivisions;
- 131 (e) provide statewide delivery of public health services;
- 132 (f) provide education, training and technical advisory services; and
- 133 (h) provide funding for grants for projects that demonstrate innovative uses of technology,  
134 interagency cooperation or shared services delivery to improve public health service delivery to  
135 residents of the commonwealth and local health agencies.

136 For the establishment and development of public health information and referral centers in state  
137 institutions in conjunction with area health information centers.

138 In making grants under this clause the council shall establish minimum standards for such  
139 public health information and referral centers which take into account:

- 140 (a) the type of institution;
- 141 (b) the size of the resident population and key health indicators for that population;
- 142 (c) the availability of public health services to the area population;
- 143 (d) the qualifications of personnel for staffing of a public health information and referral center;
- 144 (e) the institution's commitment to annual budgetary support for public health information and  
145 referral services.

146 For the establishment and development of public health information and referral centers of all  
147 types to the handicapped and disadvantaged including:

148 (a) the establishment and development of public health information and referral services and  
149 centers for persons whose native language is not English. The council shall establish standards  
150 for such services and centers;

151 (b) the development of public health information and referral services for the elderly, the  
152 unemployed, the poor, the functionally illiterate, and those persons who have cultural, social, or  
153 educational disadvantages that lead to health care disparities or prevent them from using public  
154 health information and referral centers and services designed for persons without said  
155 disadvantages;

156 (c) the establishment and development of public health information and referral services for  
157 persons who are visually impaired, mentally, physically, or emotionally handicapped.

158 To aid public health planning, construction and re-construction, the council shall adopt  
159 standards to be applied in allocating funds for these purposes.

160 To conduct, contract for, fund or publish studies relative to public health needs and services of  
161 public health information and referral centers of the commonwealth. The funding of such  
162 studies shall be for the purpose of advising the council in carrying out the provisions of this  
163 section. Such studies may include the testing and evaluation of findings by the council.

164 SECTION 6. Section of chapter 111 of the general laws, as most recently appearing in the 2004  
165 Official Edition, is hereby amended by inserting after section 4B as established in this act, the  
166 following new section 4C:--

167 Section 4C. State assistance for public health projects

168 Section 4C. The public health council shall, subject to appropriation, establish and administer a  
169 program of state assistance to cities and towns in the planning, reconstruction, construction,  
170 design, acquisition or lease of real property, renovation, preservation, rehabilitation, demolition

171 or expansion of a facility to be used as a community or school-based health center, public health  
172 clinic.

173 The council may, in accordance with the provisions of this section, provide grant funds to such  
174 cities, towns, or non-profit corporations which apply for funding of projects authorized by this  
175 section; provided, however, that said grant shall not exceed seventy-five per cent of the cost of  
176 an approved project, including interest and the cost of planning thereof.

177 SECTION 7. Office of Local Health Services.

178 Section 2 of chapter 111 of the general laws, as most recently appearing in the 2004 Official  
179 Edition, is hereby amended by inserting at the end thereof, the following new paragraph:--

180 The commissioner of public health shall, subject to appropriation, establish an office of local  
181 health services to provide coordination of state health policies and programs with, and provide  
182 support for, local public departments and boards of health in all cities, towns, and regions  
183 including, but not limited to providing: technical assistance for strengthening public health  
184 administration, planning and preparedness grants for public health emergencies, training of  
185 public health officers, health information infrastructure grants to develop local health  
186 information capacities and consistency with the national health information infrastructure,  
187 infection disease prevention and control to respond effectively to epidemics and disease  
188 outbreaks, and building a regional network with public health agencies health care providers,  
189 and emergency management agencies.

190 Said commissioner shall, subject to appropriation, appoint a regional pandemic planner for  
191 each public health service region, established pursuant to section 3 of this act after consultation  
192 with the regional public health service advisory council established pursuant to section 4 of this  
193 act to assist communities within said region with formulating and exercising local and regional

194 pandemic health emergency plans including, but not limited to, an inventory of services,  
195 equipment and supplies needed to implement said plans.

196 Section 8. Effective date.

197 This act shall take effect on July 1, 2008.