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**HOUSE BILL NO. 1097**

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact §§ 32.1-30 and 32.1-31 of the Code of Virginia, relating to local health directors.*

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Patron—Sickles

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Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:****1. That §§ 32.1-30 and 32.1-31 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-30. Local health departments.

Each county and city shall establish and maintain a local department of health which shall be headed by a local health director. Each such local health director shall be a physician licensed to practice medicine in this Commonwealth, *or a non-physician qualified by experience in the fields of public health and management.*

§ 32.1-31. Operation of local health department under contract with Board; local health services advisory boards; district health departments.

A. The governing body of any county or city may enter into a contract with the Board for the operation of the local health department in such county or city.

B. Each contract between a county or city and the Board shall specify the services to be provided in addition to the services required by law and shall contain such other provisions as the Board and the governing body of the county or city may agree upon.

C. Whenever in the opinion of the State Health Commissioner the operation of any local health departments operated under contractual agreement with the Board may be accomplished in a more efficient and economical manner by the consolidation of such local health departments, the Commissioner may propose the creation of a district health department composed of such local health departments. Such district health department shall be created by resolution duly adopted by the governing body of each county and city to be included in such district.

C1. The governing body of each city or county may appoint a local health services advisory board for the local health department that serves it. If a local health department serves more than one city or county, the governing bodies of the cities or counties that it serves shall be entitled to jointly appoint such a board. The board shall include representatives of health care providers, recipients of health department services, state and local agencies with programs operated in conjunction with the health department, and the public at large. No more than two elected officials shall serve on any board.

The number of members appointed to each local board shall not be less than ten nor more than fifteen.

The local board shall actively participate with community representatives in the formulation of a comprehensive plan for the development, coordination and evaluation of local health services systems and shall make formal recommendations to the governing authority or authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year.

It shall be the responsibility of the local health director to:

1. Attend the meetings of the board;

2. Provide information concerning the operation of the local health department as requested by the board; and

3. Participate with the board in the preparation and review of the comprehensive plan.

D. Whenever a contract is entered into between a county or city and the Board as provided in this section, the Commissioner shall appoint the health director, *who shall be a physician licensed to practice medicine in the Commonwealth or a non-physician qualified by experience in the fields of public health and management*, for the local health department. Whenever a district health department is formed as provided in this section, the Commissioner shall appoint a district health director who shall be deemed to be the local health director of each county and city in the district. *The governing body of any county or city for which the Commissioner appoints a local health director who is a non-physician qualified by experience in the fields of public health and management shall adopt a resolution affirming that they approve the appointment of a non-physician qualified by experience in the fields of public health and management as local health director and that they agree to employ or contract with a physician licensed to practice medicine in the Commonwealth to carry out public health duties that require a license to practice medicine. When a health district has been formed pursuant to this section,*

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59 *and the Commissioner appoints a non-physician qualified by experience in the fields of public health*  
60 *and management to serve as district health director, the governing body of each county or city included*  
61 *in the health district shall adopt a resolution affirming that they approve the appointment of a*  
62 *non-physician qualified by experience in the fields of public health and management as district health*  
63 *director and that they agree to employ or contract with a physician licensed to practice medicine in the*  
64 *Commonwealth to carry out public health duties that require a license to practice medicine.*

65 Each health director appointed by the Commissioner shall be employed full time and shall be a state  
66 employee. Such health director shall perform such duties as may be prescribed in the contract or  
67 contracts and, with the approval of the Commissioner, any other health-related duties prescribed by local  
68 ordinances.

69 E. Every employee of a local or district health department operated under a contract with the Board  
70 shall be a state employee; but if such person was an employee of such political subdivision and a  
71 member of the local retirement system on the effective date of any such contract and does not elect, in  
72 writing and within sixty days after the effective date of such contract, to become a member of the  
73 Commonwealth's retirement system, such employee shall remain a member of the local retirement  
74 system.

75 In any case in which the effective date of such contract of affiliation is prior to July 1, 1977, any  
76 member of the Virginia Retirement System who became a member by such election and who has  
77 withdrawn his contributions from the local retirement system may be credited with his creditable service  
78 in such local system upon payment to the Virginia Retirement System of an amount equal to five  
79 percent of his salary rate at the date of payment multiplied by the number of years of service to be  
80 credited. Such crediting of service shall be allowed only if such member files written request therefor  
81 with the Board prior to October 1, 1977.

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