

House Bill 2310

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Health Authority)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions regarding schedule by which local public health authorities must submit local plans for applying foundational public health capabilities and implementing foundational public health programs.

Directs Oregon Public Health Advisory Board to establish accountability metrics for purpose of evaluating progress in achieving statewide public health goals.

Establishes process by which governing body of county may transfer to state duties of county with respect to public health laws of state.

Permits local public health authorities to enter into agreement with Oregon Health Authority under which local public health authority receives state funding for purpose of applying foundational capabilities and implementing foundational programs.

Authorizes Oregon Health Authority to establish fees for providing public health data for public health purposes.

Becomes operative January 1, 2018.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the provision of public health services; creating new provisions; amending ORS 431.115,
3 431.123, 431.132, 431.148, 431.380, 431.382 and 431.417 and section 115, chapter 736, Oregon Laws
4 2015; and prescribing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

SCHEDULE FOR PHASING IN FOUNDATIONAL CAPABILITIES AND FOUNDATIONAL PROGRAMS

6
7
8
9
10 **SECTION 1.** Section 115, chapter 736, Oregon Laws 2015, is amended to read:

11 **Sec. 115.** [(1) *On or before June 30, 2016, the Oregon Health Authority shall first submit the for-*
12 *mula adopted under ORS 431.380, as amended by section 28 of this 2015 Act, to the Legislative Fiscal*
13 *Office.*]

14 [(2)] (1) On or before January 1, 2017, the Oregon Health Authority shall:

15 (a) Adopt the initial statewide public health modernization assessment and develop the initial
16 statewide public health modernization plan as required by [section 4 of this 2015 Act] **ORS 431.115**;
17 and

18 (b) Subject to [subsections (3) and (4)] **subsection (2)** of this section, establish a schedule by
19 which local public health authorities, as defined in [section 2 of this 2015 Act] **ORS 431.003**, shall
20 [first] submit local plans for applying the foundational capabilities established under [section 9 of this
21 2015 Act] **ORS 431.131** and implementing the foundational programs established under [section 17
22 of this 2015 Act] **ORS 431.141** as required by ORS [431.385] **431.417**.

23 [(3)] (2) The schedule established under subsection [(2)(b)] (1)(b) of this section[:]

24 [(a) *May impose different dates for different local public health authorities; and*]

NOTE: Matter in **boldfaced** type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in **boldfaced** type.

1 [(b)] must require that all local public health authorities first submit local plans no later than
 2 December 31, 2023.

3 [(4) *The Oregon Health Authority shall collaborate with each local public health authority in pre-*
 4 *scribing a date by which that local public health authority must first submit local plans as described*
 5 *in subsection (2)(b) of this section.*]

6 [(5) *Notwithstanding the amendments to ORS 431.415, 431.416 and 431.385 by sections 25 to 27 of*
 7 *this 2015 Act, a local public health authority is required to submit a local plan to the authority as re-*
 8 *quired by ORS 431.385 as in effect immediately before the effective date of this 2015 Act until the local*
 9 *public health authority first submits a local plan pursuant to the schedule established under subsection*
 10 *(2)(b) of this section.*]

11 **(3) In consultation with local public health authorities, the Oregon Health Authority may**
 12 **modify the schedule established under subsection (1)(b) of this section to require local public**
 13 **health authorities to apply foundational capabilities and implement foundational programs**
 14 **over a period of time, provided that all local public health authorities submit local plans for**
 15 **applying all foundational capabilities and implementing all foundational programs no later**
 16 **than December 31, 2023.**

17
 18 **ACCOUNTABILITY METRICS**

19
 20 **SECTION 2.** ORS 431.115 is amended to read:

21 431.115. (1) For the purpose of fulfilling its duties under ORS 431.110 (2), (3) and (4), the Oregon
 22 Health Authority shall:

- 23 (a) Adopt and update as necessary a statewide public health modernization assessment;
- 24 (b) In consideration of the statewide public health modernization assessment, develop and modify
 25 as necessary a statewide public health modernization plan;
- 26 (c) Implement the statewide public health modernization plan;
- 27 (d) Subject to the provisions of ORS 431.380, develop and modify as necessary plans for the
 28 distribution of funds to local public health authorities;
- 29 (e) Implement plans for the distribution of funds to local public health authorities;
- 30 (f) Coordinate state and local administration of the foundational programs established under
 31 ORS 431.141;
- 32 (g) Approve local plans for applying the foundational capabilities established under ORS 431.131
 33 and implementing the foundational programs established under ORS 431.141 as required by ORS
 34 431.417;
- 35 (h) Monitor the progress of local public health authorities in meeting statewide public health
 36 goals, including applying the foundational capabilities established under ORS 431.131 and imple-
 37 menting the foundational programs established under ORS 431.141;
- 38 (i) For the purpose of making distributions under ORS 431.380, consult with and consider the
 39 recommendations of local public health authorities on the total cost to local public health authori-
 40 ties of applying the foundational capabilities established under ORS 431.131 and implementing the
 41 foundational programs established under ORS 431.141 [*as identified by local public health authorities*
 42 *in community modernization assessments adopted under ORS 431.413*];

43 **(j) Use accountability metrics to encourage the effective and equitable provision of public**
 44 **health services by local public health authorities;**

45 [(j)] **(k) Use incentives** [*adopted under ORS 431.380*] to encourage the effective and equitable

1 provision of public health services by local public health authorities;

2 ~~[(k)]~~ **(L)** Seek funding, including in the form of federal grants, for ORS 431.001 to 431.550 and
 3 431.990; and

4 ~~[(L)]~~ **(m)** Coordinate and collaborate with federal agencies in implementing ORS 431.001 to
 5 431.550 and 431.990.

6 (2) The Oregon Health Authority shall solicit input from the Conference of Local Health Offi-
 7 cials and local public health authorities in:

8 (a) Establishing the foundational capabilities under ORS 431.131 and the foundational programs
 9 under ORS 431.141;

10 (b) Adopting and updating a statewide public health modernization assessment under subsection
 11 (1)(a) of this section;

12 (c) Developing and modifying a statewide public health modernization plan under subsection
 13 (1)(b) of this section; and

14 (d) Developing and modifying plans for the distribution of funds under subsection (1)(d) of this
 15 section.

16 **SECTION 3.** ORS 431.123 is amended to read:

17 431.123. The Oregon Public Health Advisory Board shall:

18 (1) Make recommendations to the Oregon Health Policy Board on the development of statewide
 19 public health policies and goals;

20 (2) Make recommendations to the Oregon Health Policy Board on how other statewide priorities,
 21 such as the provision of early learning services and the delivery of health care services, affect and
 22 are affected by statewide public health policies and goals;

23 (3) Make recommendations to the Oregon Health Policy Board on the establishment of the
 24 foundational capabilities under ORS 431.131, the foundational programs under ORS 431.141 and any
 25 other public health program or activity under ORS 431.147;

26 (4) Make recommendations to the Oregon Health Policy Board on the adoption and updating of
 27 the statewide public health modernization assessment under ORS 431.115;

28 (5) Make recommendations to the Oregon Health Policy Board on the development of and any
 29 modification to the statewide public health modernization plan developed under ORS 431.115;

30 **(6) Establish accountability metrics for the purpose of evaluating the progress of the**
 31 **Oregon Health Authority and local public health authorities in achieving statewide public**
 32 **health goals;**

33 ~~[(6)]~~ **(7)** Make recommendations to the Oregon Health Authority and the Oregon Health Policy
 34 Board on:

35 (a) The development of, and any modification to, plans developed under ORS 431.115 for the
 36 distribution of funds to local public health authorities **under ORS 431.380**; and

37 (b) The total cost to local public health authorities of applying the foundational capabilities es-
 38 tablished under ORS 431.131 and implementing the foundational programs established under ORS
 39 431.141;

40 **(8) Make recommendations to the Oregon Health Policy Board on the incorporation and**
 41 **use of accountability metrics by the Oregon Health Authority under ORS 431.380 to encour-**
 42 **age the effective and equitable provision of public health services by local public health au-**
 43 **thorities;**

44 ~~[(7)]~~ **(9)** Make recommendations to the Oregon Health Policy Board on the **incorporation and**
 45 use of incentives by the Oregon Health Authority under ORS 431.380 to encourage the effective and

1 equitable provision of public health services by local public health authorities;

2 [(8)] (10) Provide support to local public health authorities in developing local plans to apply the
 3 foundational capabilities established under ORS 431.131 and implement the foundational programs
 4 established under ORS 431.141 as required by ORS 431.417;

5 [(9)] (11) Monitor the progress of local public health authorities in meeting statewide public
 6 health goals, including employing the foundational capabilities established under ORS 431.131 and
 7 implementing the foundational programs established under ORS 431.141;

8 [(10)] (12) Assist the Oregon Health Authority in seeking funding, including in the form of fed-
 9 eral grants, for ORS 431.001 to 431.550 and 431.990; and

10 [(11)] (13) Assist the Oregon Health Authority in coordinating and collaborating with federal
 11 agencies.

12
 13 **FUNDING OF LOCAL PUBLIC HEALTH AUTHORITIES**

14
 15 **SECTION 4.** ORS 431.380 is amended to read:

16 431.380. (1) From moneys **made** available **by the state** to the Oregon Health Authority for the
 17 purpose of funding the foundational capabilities established under ORS 431.131 and the foundational
 18 programs established under ORS 431.141, the Oregon Health Authority shall make payments to local
 19 public health authorities under this section. The Oregon Health Authority shall each biennium sub-
 20 mit to the Public Health Advisory Board and the Legislative Fiscal Office a formula that provides
 21 for the equitable distribution of moneys. [As a part of the formula,] The Oregon Health Authority
 22 shall **incorporate into the formula:**

23 (a) [Establish] A baseline amount to be invested in local public health activities and services by
 24 the state;

25 (b) [Establish] A method for awarding matching funds to a local public health authority that
 26 invests in local public health activities and services above the baseline amount established by the
 27 Oregon Health Authority for that local public health authority; [and]

28 (c) **Accountability metrics for the foundational capabilities established under ORS 431.131**
 29 **and the foundational programs established under ORS 431.141, for the purposes described in**
 30 **subsection (4) of this section; and**

31 [(c)] (d) [Provide] **A method** for the use of incentives as described in subsection (4) of this sec-
 32 tion.

33 (2) The formula adopted under subsection (1) of this section must be submitted to the Public
 34 Health Advisory Board and the Legislative Fiscal Office no later than June 30 of each even-
 35 numbered year.

36 (3) In establishing a baseline amount for the purpose of awarding matching funds under sub-
 37 section (1)(b) of this section, the Oregon Health Authority shall consider the population of each local
 38 public health authority, the burden of disease borne by communities located within the jurisdiction
 39 of each local public health authority, the overall health status of communities located within the
 40 jurisdiction of each local public health authority and the ability of each local public health authority
 41 to invest in local public health activities and services.

42 (4) The Oregon Health Authority shall adopt by rule incentives [to encourage] **and a process**
 43 **for identifying, updating and applying accountability metrics, for the purpose of encouraging**
 44 the effective and equitable provision of public health services by local public health authorities.

45 (5) Nothing in this section prohibits the Oregon Health Authority from distributing funds to a

1 local public health authority through a competitive contract or grant process or on the basis of need
 2 for applying the foundational capabilities established under ORS 431.131 and implementing the
 3 foundational programs established under ORS 431.141.

4 **SECTION 5.** ORS 431.382 is amended to read:

5 431.382. *[If the Oregon Health Authority fails to distribute an amount of moneys to a local public*
 6 *health authority equal to or in excess of the baseline amount established under ORS 431.380 (1)(a), a*
 7 *local public health authority may request to transfer responsibility for fulfilling the local public health*
 8 *authority's duties under ORS 431.001 to 431.550 and 431.990 and the other public health laws of this*
 9 *state to the Oregon Health Authority. If a local public health authority requests to transfer responsi-*
 10 *bilities under this section, the moneys available to the local public health authority under ORS 431.380*
 11 *revert to the Oregon Health Authority. A request to transfer made under this section must be made in*
 12 *the form and manner prescribed by the Oregon Health Authority and takes effect 180 days after the*
 13 *Oregon Health Authority receives the request.]*

14 **(1) To transfer to the state the responsibility of fulfilling the duties of a local public**
 15 **health authority under ORS 431.001 to 431.550 and 431.990 and the duties of a local public**
 16 **health authority under the other public health laws of the state, the governing body of a**
 17 **county must adopt an ordinance that transfers the responsibility after fulfilling the require-**
 18 **ments of subsection (2) of this section. An ordinance adopted under this section may not**
 19 **transfer part of the duties of a local public health authority under ORS 431.001 to 431.550 and**
 20 **431.990 or part of the duties of a local public health authority under the other public health**
 21 **laws of the state. An ordinance adopted under this section must transfer all of the duties**
 22 **of a local public health authority under ORS 431.001 to 431.550 and 431.990 and all of the du-**
 23 **ties of a local public health authority under the other public health laws of the state.**

24 **(2) Before adopting an ordinance under subsection (1) of this section, the governing body**
 25 **of a county must, not less than 180 days before adopting the ordinance:**

26 **(a) Provide written notice to each household where residents of the county reside, ex-**
 27 **plaining the reason for the transfer and the consequences of the transfer and explaining the**
 28 **way in which a resident may provide public comment about the transfer to the governing**
 29 **body of the county; and**

30 **(b) Provide the Oregon Health Authority, in a form and manner prescribed by the au-**
 31 **thority, with written notice of the intent to adopt the ordinance.**

32 **(3) If the governing body of a county adopts an ordinance under this section, the gov-**
 33 **erning body must provide the Oregon Health Authority, in a form and manner prescribed by**
 34 **the authority, with the text of the ordinance.**

35 **(4) An ordinance adopted under this section may not take effect sooner than 180 days**
 36 **after the date on which the governing body of the county adopts the ordinance.**

37 **(5) If the governing body of a county adopts an ordinance under this section, the local**
 38 **public health authority that provides public health services for the county is not eligible to**
 39 **receive any funds under ORS 431.380.**

40 **SECTION 6.** ORS 431.417 is amended to read:

41 431.417. *[(1) Each local public health authority shall submit a local plan for applying the founda-*
 42 *tional capabilities established under ORS 431.131 and implementing the foundational programs estab-*
 43 *lished under ORS 431.141 to the Oregon Health Authority in a form and manner prescribed by the*
 44 *authority.]*

45 *[(2) The Oregon Health Authority may make suggestions to a local public health authority on*

1 *modifying a plan submitted under this section. Suggestions must be based on emerging best practices*
 2 *for the effective application and implementation of public health programs and activities. A local public*
 3 *health authority may request technical assistance from the Oregon Health Authority on implementing*
 4 *the suggestions.]*

5 **(1) The Oregon Health Authority may by rule require each local public health authority**
 6 **to submit a plan, in a form and manner prescribed by the Oregon Health Authority, that**
 7 **describes how the local public health authority will use moneys made available under ORS**
 8 **431.380.**

9 **(2) The Oregon Health Authority may enter into an agreement with each local public**
 10 **health authority that describes the work the local public health authority agrees to perform**
 11 **and the amount of state funding the local public health authority will receive under ORS**
 12 **431.380.**

13 **(3) The Oregon Health Authority may enter into one or more agreements with a local**
 14 **public health authority for purposes of distributing funds, or providing incentives, to the lo-**
 15 **cal public health authority that are available through federal grants or other sources. Before**
 16 **entering into an agreement under this section, the Oregon Health Authority shall adopt by**
 17 **rule a process by which a local public health authority must submit the documentation nec-**
 18 **essary to receive incentives under an agreement authorized by this subsection.**

19
 20 **ASSESSMENT AND EPIDEMIOLOGY**

21
 22 **SECTION 7.** ORS 431.132 is amended to read:

23 431.132. (1) For the purpose of establishing the foundational capabilities under ORS 431.131, as-
 24 sessment and epidemiology include, but are not limited to, the knowledge, skills and abilities nec-
 25 essary to:

- 26 (a) Identify and respond to disease outbreaks and epidemics;
- 27 (b) Analyze and respond to information related to disease outbreaks and epidemics;
- 28 (c) Conduct and assess surveys about health behaviors and practices;
- 29 (d) Collect and maintain vital records and statistics;
- 30 (e) Process data from a variety of sources, including vital records, health records, hospital data,
 31 insurance data and indicators of community or environmental health;
- 32 (f) Analyze key indicators of a community's health;
- 33 (g) Analyze data related to the causes and burdens of disease, injury, disability and death;
- 34 (h) Prioritize and respond to requests for data processed and analyzed as described in this sec-
 35 tion and communicate the response in a manner that is accurate, statistically valid and usable by
 36 the requester;
- 37 (i) Identify how disease, injury, disability and death disproportionately affect certain populations,
 38 including populations specific to sex, race, ethnicity and socioeconomic status;
- 39 (j) Conduct a *[public health modernization]* **community health** assessment and identify priorities
 40 arising from that assessment[, *as required by ORS 431.115 or 431.413*]; and
- 41 (k) Use relevant data to implement, monitor, evaluate and modify state health improvement
 42 plans or community health improvement plans.

43 (2) For purposes of this section, the Oregon Health Authority may adopt rules differentiating
 44 between the knowledge, skills and abilities that are necessary for state governance and that are
 45 necessary for local governance.

EVIDENCE-BASED BEST PRACTICES

SECTION 8. ORS 431.148 is amended to read:

431.148. The Oregon Health Authority may adopt by rule evidence-based best practices for the purpose of assisting local public health authorities [*implement*] **in implementing** the foundational programs established under ORS 431.141 and any other public health program or activity established under ORS 431.147. Rules adopted under this section are only for the purpose of assisting local public health authorities and are not mandatory guidelines for the implementation of the programs or activities.

FEES FOR PROVISION OF DATA

SECTION 9. Section 10 of this 2017 Act is added to and made a part of ORS 431.001 to 431.550.

SECTION 10. For purposes of fulfilling the duties and functions and executing the powers conferred on the Oregon Health Authority by ORS 431.001 to 431.550 and 431.990, the Oregon Health Authority may by rule establish fees for providing data to academic institutions and nongovernmental entities that request the data for public health purposes. Fees established under this section must be reasonably calculated to pay the cost of providing the data.

OPERATIVE DATE

SECTION 11. (1) Section 10 of this 2017 Act and the amendments to ORS 431.115, 431.123, 431.132, 431.148, 431.380, 431.382 and 431.417 and section 115, chapter 736, Oregon Laws 2015, by sections 1 to 8 of this 2017 Act become operative on January 1, 2018.

(2) The Oregon Health Authority and the Oregon Public Health Advisory Board may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority and the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, powers and functions conferred on the authority and the board by section 10 of this 2017 Act and the amendments to ORS 431.115, 431.123, 431.132, 431.148, 431.380, 431.382 and 431.417 and section 115, chapter 736, Oregon Laws 2015, by sections 1 to 8 of this 2017 Act.

UNIT CAPTIONS

SECTION 12. The unit captions used in this 2017 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2017 Act.

EFFECTIVE DATE

SECTION 13. This 2017 Act takes effect on the 91st day after the date on which the regular session of the Seventy-ninth Legislative Assembly adjourns sine die.