

COURT ORDER NO. 89-351-05-08

THE STATE OF TEXAS)	PERSONNEL ACTION
)	HEALTH AUTHORITY
COUNTY OF COLLIN)	HEALTH DEPARTMENT/ADMIN. SVCS.

On **May 8, 1989**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

William J. Roberts	County Judge, Presiding
Howard Thornton	Commissioner, Precinct 1
Jerry Hoagland	Commissioner, Precinct 2
John Witherspoon	Commissioner, Precinct 3
Jack Hatchell	Commissioner, Precinct 4

During such session the court considered the appointment of a health authority in Collin County to administer the provisions specifically contained in Article III of the Local Public Health Reorganization Act.

Thereupon, a motion was made, seconded and carried with a majority vote of the court to appoint J. Michael Farrell, M.D., to serve a two-year term as Collin County's Health Authority to perform the duties prescribed in Article 4436b, V.T.C.S., and same is hereby approved in accordance with the attached information, effective July 1, 1989, through and including June 30, 1991.

Ordered and dated this the 8th day of May, 1989.

William J. Roberts
 William J. Roberts, County Judge
 Collin County, T E X A S

ATTEST:

Helen Starnes By: D.D.
 Helen Starnes, Ex-officio Clerk
 Commissioners Court
 Collin County, T E X A S



ARTICLE I. GENERAL PROVISIONS

Short title

Section 1.01. This Act shall be known and may be cited as the Local Public Health Reorganization Act.

Purpose

Sec. 1.02. The legislature finds that in the interest of promoting effective local public health programs it is desirable to combine prior legislative authorization into one Act which will provide a consistent, yet flexible, framework for the administration of local public health programs throughout the state.

Definitions

Sec. 1.03. As used in this Act, unless the context otherwise requires:

- (1) "Board" means the Texas Board of Health.
- (2) "Commissioner" means the Commissioner of Health.
- (3) "Department" means the Texas Department of Health.
- (4) "Director" means the chief administrative officer of a public health district or a local health department.
- (5) "Health authority" means the physician who is to administer state and local laws relating to public health.
- (6) "Local health department" means a department of health created by the governing body of an incorporated municipality or the commissioners court of a county pursuant to Section 4.07 of this Act.
- (7) "Member" means a municipality, a county, or other governmental entity which is a participant in a public health district.
- (8) "Physician" means a person licensed to practice medicine by the Texas State Board of Medical Examiners.
- (9) "Public health board" means an administrative or an advisory board of a public health district or a local health department.
- (10) "Public health district" means a department of health established under Article IV of this Act.
- (11) "Region" means a geographic area of the State of Texas as may be determined by the department.
- (12) "Regional director" means the physician who is the chief administrative officer of a region.
- (13) "Representative" is a person appointed to serve on a public health board of a public health district or a local health department.
- (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.

ARTICLE II. CITIES AND COUNTIES

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

Sec. 2.02. The governing bodies of incorporated municipalities and the commissioners courts of the counties 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).

Sec. 2.03. 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.

ARTICLE III. HEALTH AUTHORITIES

Sec. 3.01. (a) A health authority shall perform all duties which are necessary to implement and enforce any law to protect the public health and all duties as may be prescribed by the board. Such duties shall include but are not limited to the following:

- (1) establishing, maintaining, and enforcing quarantine within the health authority's jurisdiction;
- (2) assisting and aiding the board in all matters of local quarantine, inspection, disease prevention and suppression, birth and death statistics, and general sanitation within the health authority's jurisdiction;
- (3) reporting to the board, in such manner and form and at such times as it shall prescribe, the presence of contagious, infectious, and dangerous epidemic diseases within the health authority's jurisdiction;
- (4) reporting to the board on all other matters as may be proper for the board to direct; and
- (5) aiding the board at all times in the enforcement of proper rules, regulations, requirements, and ordinances and in the enforcement of all sanitation laws, quarantine regulations, and vital statistics collections in the health authority's jurisdiction.

(b) The board shall hold an annual conference for health authorities and directors presided over by the commissioner or the commissioner's designee. The counties and municipalities may pay the necessary expenses incurred by their respective health authorities and/or director in attending the conference.

Sec. 3.02. (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.

(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.

(c) A health authority may be removed from office for cause pursuant to the personnel procedures applicable to the heads of departments of the jurisdiction in which he or she serves.

ARTICLE IV. HEALTH DISTRICTS

Sec. 4.01. (a) By a majority vote of each governing body, a public health district may be established by:

- (1) two or more counties;
- (2) two or more incorporated municipalities;
- (3) a county and one or more incorporated municipalities situated therein; or
- (4) two or more counties and one or more incorporated municipalities situated therein.

Sec. 4.02. A public health district is authorized to perform the public health functions that any of its members is authorized to perform unless otherwise restricted by law.

Sec. 4.03. (a) The members shall prepare a written instrument to be known as a cooperative agreement which shall set out fully the terms of the operation of the public health district including but not limited to:

- (1) organizational structure and financial administration;
- (2) procedures for modification of the cooperative agreement;
- (3) procedures for the admission, withdrawal, and expulsion of members;
- (4) procedures for the dissolution of the organization; and
- (5) procedures for the selection and removal of a director.

(b) The cooperative agreement may provide for the creation of an advisory or administrative public health board. The public health board may perform any function relating to the operation of the public health district required under the terms of the cooperative agreement. An "advisory public health board" shall advise members and the directors on matters of public health. An "administrative public health board" shall have the authority to adopt substantive and procedural rules which are necessary and appropriate to promote and preserve the health and safety of the public within its jurisdiction; provided that no rule adopted shall be in conflict with the laws of the state or the ordinances of any member municipality or county. The cooperative agreement shall include provisions which:

- (1) describe a method for the selection of representatives to the public health board;
- (2) specify the composition and number of the representatives constituting the public health board;
- (3) determine the lengths of the terms of the representatives, provide that the terms be staggered, and allow for the filling of vacancies for unexpired terms;
- (4) require that representatives on the public health board shall have resided within the territorial limits of the public health district for a period of three years prior to their selection;
- (5) require that representatives on the public health board shall serve without compensation;
- (6) describe a procedure for the removal of a public health board representative and provide substantive criteria upon which the initiation of the procedure may be based; and
- (7) define the relationship between the director and the public health board.

(c) The cooperative agreement shall be approved by the governing body of each member and shall be signed by the appropriate officers of each governing body. Modification of the cooperative agreement shall be in writing and effective upon approval by the governing body of each member.

(d) A copy of the cooperative agreement and any subsequent modifications shall be included in the minutes of the governing body of each member and shall

be filed with the county clerk of affected counties, the city clerk of affected municipalities, and the department.

Sec. 4.04. (a) The members shall appoint a director of the public health district.

(b) 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) 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.

Sec. 4.05. A school district or other governmental entity may apply to become a member of a public health district. The governing body of each member shall review the application. If a majority of each member approves the application, the school district or other governmental entity may be admitted to membership upon such terms as are acceptable to the applicant and members.

Sec. 4.06. Members shall provide for payment of costs necessary for implementation of the public health district including but not limited to the costs for:

- (1) staff salaries;
- (2) supplies;
- (3) suitable office quarters;
- (4) health and clinic centers;
- (5) health services and facilities; and
- (6) maintenance.

Sec. 4.07. (a) By a majority vote, the governing body of an incorporated municipality or the commissioners court of a county may establish a local health department.

(b) A local health department is authorized to perform all public health functions which the incorporated municipality or county is authorized to perform.

(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. 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.

(d) The governing body of an incorporated municipality may provide for the creation of an administrative or advisory public health board. The commissioners court of a county may provide for the creation of an advisory public health board. The director shall serve as an ex officio nonvoting member of any public health board established for the local health department.

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 public health services subject to the following:

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

(2) if a local health unit, local health department, or 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.

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.

ARTICLE V. PUBLIC HEALTH REGIONS

Sec. 5.01. The board may establish public health regions to provide public health services within the state.

Sec. 5.02. For each public health region created, the board shall appoint a physician to serve as regional director. The board shall establish qualifications and terms of employment of a regional director.

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 a health authority within the region as authorized by the board or the commissioner in a jurisdiction which is not served by a health authority or in a jurisdiction served by a health authority who has failed to perform duties prescribed by the board pursuant to Section 3.01 of this Act.

Added by Acts 1983, 68th Leg., p. 798, ch. 190, § 1, eff. Sept. 1, 1983. Sec. 1.03(14) added by Acts 1985, 69th Leg., p. 4312, ch. 539, § 1, eff. Aug. 26, 1985; Secs. 2.01 to 2.04 amended by Acts 1985, 69th Leg., p. 4312, ch. 539, § 2, eff. Aug. 26, 1985; Sec. 3.02(a), (b) amended by Acts 1985, 69th Leg., p. 4313, ch. 539, § 3, eff. Aug. 26, 1985; Sec. 4.04 amended by Acts 1985, 69th Leg., p. 4314, ch. 539, § 4, eff. Aug. 26, 1985; Sec. 4.07(c) amended by Acts 1985, 69th Leg., p. 4314, ch. 539, § 5, eff. Aug. 26, 1985; Sec. 4.08 amended by Acts 1985, 69th Leg., p. 4315, ch. 539, § 6, eff. Aug. 26, 1985; Sec. 4.09 added by Acts 1985, 69th Leg., p. 4316, ch. 539, § 7, eff. Aug. 26, 1985; Sec. 5.03 amended by Acts 1985, 69th Leg., ch. 539, § 8, eff. Aug. 26, 1985.

Sections 3(b) and 4 of the 1983 Act provide:

"Sec. 3(b). Any cooperative health unit, organization, agency, or other coordinated public health organization, by whatever name called, which has heretofore been created under any prior law of this state is specifically validated and it shall, within one year of the effective date of this Act, organize itself as shall be necessary to bring it within the provisions of this Act. Such entities may charge fees for services in accordance with Section 4.08 of this Act during such transition period.

"Sec. 4. Any reference in the law to a county health officer or a city health officer means the health authority appointed pursuant to this Act."

Title of Act:

An Act relating to the powers and duties of cities and counties and the Texas Board of Health in public health matters; providing for the establishment of public health districts, local health departments, and public health regions and the appointment of health authorities; amending Title 71, Revised Statutes, by adding Article 4436b; repealing Articles 4422, 4423, 4424, 4425, 4426, 4427, 4428, 4429, 4430, 4431, 4432, 4433, 4434, and 4435, Revised Statutes and Chapter 1, page 844, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, as amended, and Chapter 63, Acts of the

51st Legislature, Regular Session, 1949, as amended (Articles 4436a-1 and 4447a, Vernon's Texas Civil Statutes, respectively); repealing Articles 1003, as amended, and 1146A, Revised Statutes, to the extent of any conflict with the provisions of this Act; providing an effective date and validating certain entities during a transition period; and declaring an emergency. Acts 1983, 68th Leg., p. 797, ch. 190.

Cross References

Motor vehicles operated by Emergency Medical Services volunteers, see art. 6701d, §§ 2(d), 172.

Library References

Health and Environment ⇄ 2 to 4.

C.J.S. Health and Environment §§ 5 to 11, 56.

Notes of Decisions

1. Construction and application

Jurisdictions of city and county health officers are ordinarily limited to municipal boundaries on the one hand and unincorporated areas on the other, but when they are acting as officers of the state, Texas Board of Health has power to determine their respective jurisdictions. Op. Atty. Gen. 1979, No. MW-43.

IF YOU NEED ADDITIONAL INFORMATION PLEASE CALL 1-800-248-4083 OR
RETURN ATTENTION TO MS. TERRY TAYLOR, C&RH, TEXAS DEPARTMENT OF HEALTH.

INSTRUCTIONS

OATH OF OFFICE:

(To be completed by Health Authority)

1. Insert name and jurisdiction in appropriate blanks.
2. Sign and give mailing address and telephone number in presence of Notary Public.
3. Have oath notarized and sealed by a Notary Public.

CERTIFICATION OF APPOINTMENT

(To be completed by Appointing Agency)

1. Insert name of County Judge, Mayor, or other appointing official and date appointment is made.
2. Enter name of Health Authority and Jurisdiction.
3. Enter appropriate dates of Health Authority appointment.
State Law requires a two year term.
4. Appointing official sign form and indicate title.



OATH OF OFFICE

I, J. Michael Farrell, M.D. do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Health Authority of Collin County and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment. So help me God.

J. Michael Farrell
Health Authority

910 University, McKinney, TX 75069
Mailing Address Zip

(214) 548-5500
(Area Code) Phone Number

SWORN TO and Subscribed before me this

9th day of May, 19 89



DEBRA J. NYE, Notary Public
in and for the State of Texas
My commission expires 12-04-90

Debra J. Nye
Notary Public, Collin County, Texas.

Certification of Appointment

I William J. Roberts do hereby certify that on 8th day of May, 19 89, J. Michael Farrell, M.D., a physician licensed by the Texas Board of Medical Examiners, was duly appointed the Health Authority of Collin County Texas, for the term to begin on July 1 19 89 and end on June 30 19 91, unless said authority is removed by law.

Signed Wm J Roberts
Title County Judge