

# Implementing RSA 128: Town Health Officers

Sophia Johnson, Health Officer Specialist  
Department of Health & Human Services  
Division of Public Health Services  
Health Officer Liaison Program  
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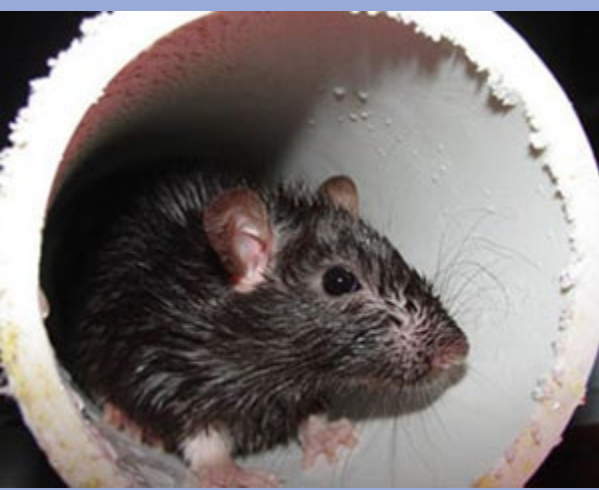
NH DIVISION OF  
Public Health Services

Improving health, preventing disease, reducing costs *for all*  
Department of Health and Human Services



# Agenda

- Review the role of the Local Health Officer (LHO)
- Review legislative changes to RSA 128
- Discuss how these changes affect LHOs and their municipalities
- Discuss how responsible parties can implement the legislative changes
- Introduce the DHHS Health Officer Liaison Program
- Discussion period



# Dealing with any of these?

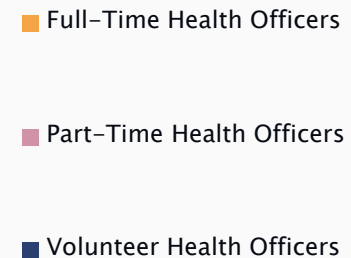
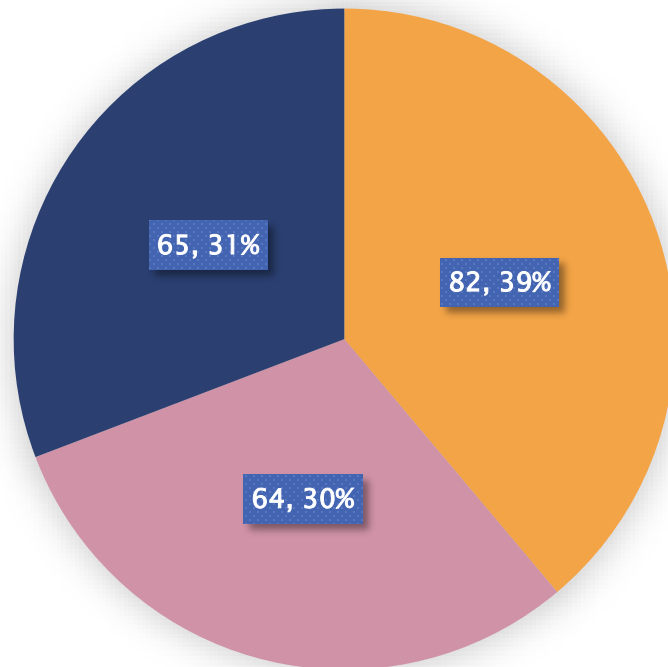


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# NH Local Health Officers

- Appointed municipal officials whose role is to ensure sanitary conditions are present in rental homes, neighborhoods, schools and other public/private locations
- Often hold multiple, municipal roles (75%)

## Health Officer Position Type



Total Health Officers: 211  
Municipalities with Deputy Health Officers: 100

# Role of the Local Health Officer

Shall make such sanitary investigations (RSA 128)

Shall enforce the public health laws and rules (RSA 128)

Shall inquire into all nuisances and other causes of danger to the public health (RSA 147)

May make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health (RSA 147)

# What Environmental Topic Areas Are They Involved In?

## Common Partners Include:

- Water quality & protection
- Pest management
- Trash & garbage accumulation
- Minimum housing standards
- Health nuisances
- School health inspections
- Childcare/foster home inspections
- Communicable disease
- Hoarding & unsanitary living
- Mold and moisture
- Waste disposal
- And more!
- DES Subsurface Bureau
- DES Drinking Water & Groundwater
- DES Pools & Spa Program
- DES Environmental Health Program
- DES Air Resources Program
- DPHS Food Protection
- DPHS Bureau of Infectious Disease
- DHHS Childcare Licensing
- DOE Bureau of School Safety
- DHHS Bureau of Elderly & Adult Services
- DHHS DCYF Child Protection Services
- US EPA

# Case Study

- A resident calls town hall to make a complaint about her neighbor who is allegedly accumulating various types of trash and garbage on her property. He notes concerns of hoarding in the indoor environment as well.



Who do you call?



# Your Health Officer

## ● The health officer finds:

- Trash violations
- Child welfare concerns
- Housing code violations
- Illicit drug manufacturing



## ● The health officer was successful in:

- Coordinating appropriate responses with partner agencies
- Securing an administrative inspection warrant
- Ordering an issue to vacate the home
- Working with the EPA and others to remediate the drug lab



# Overview of RSA 128: Town Health Officers

- State statute that governs the appointment, term, and authority of town health officers and their deputies
- Current statute can be found here:  
<http://www.gencourt.state.nh.us/rsa/html/X/128/128-mrg.htm>
- This chapter does not apply to cities
  - Approval of city health officers is covered under RSA 47:17 Power of City Councils -Bylaws and Ordinances;  
<http://www.gencourt.state.nh.us/rsa/html/III/47/47-17.htm>

# HB79

- Passed as a bipartisan bill on June 9<sup>th</sup>, 2021
- Made changes to RSA 128
- All changes as a result of the bill are now effective

# Overview of RSA 128 Amendments

## Health officer appointments

RSA 128:2; RSA 128:5-b; RSA 128:9

## Local Board of Health meeting/reporting requirements

RSA 128:3

## Health officer training requirements

RSA 128:8

## New Hampshire Health Officer Association (NHHOA) reporting requirements

RSA 128:11

# RSA 128: Health Officer Appointments

- 128:2 Residency Requirement
  - Health officers no longer have to be a resident of NH
- 128:5-b Terms of Officers
  - *“The term of the deputy health officer shall expire with that of the health officer or may be extended with the approval of the board of selectmen, in consultation with DHHS until the health officer vacancy is filled”*
- 128:9 Background Check
  - *“Each municipality shall request and obtain a criminal history record information request...”*

# RSA 128: Local Boards of Health

## ● 128:3 Local Boards of Health

- *The local board of health for each town **shall meet at least once every year**, and as frequently as needed, to review the state of local public health issues and concerns **and provide information, as requested**, to the department of health and human services, on the **readiness to address relevant public health threats** at the local or regional levels.*
- The health officer shall be the secretary and executive officer of, and, with the selectmen, shall constitute the local board of health for the town.

# Consider Context for Meetings

- If the board is having a regular annual meeting, then a properly noticed, in-person meeting is probably appropriate.
- However, if there is a health concern, e.g. a contagious disease, remember that RSA 91-A:2, III allows for some remote options for members attending meetings, and there is **no** prohibition against having rules of procedure that allow remote attendance/participation by members of the public (in addition to having an in-person meeting spot).
- If you are unfamiliar with the Right-to-Know Law, please feel free to reach out to NHMA for guidance and training.

# RSA 128: Local Boards of Health and Local Reporting

- The DHHS Health Officer Liaison staff will:
  - Provide a sample template for a local readiness report
  - Provide technical assistance and/or written guidance
- DHHS recommends:
  - Local Boards of Health keep copies of meeting notes to document action items and compliance
  - Meet at least yearly, or more frequently if needed
  - The report is meant to be an assessment process that help LHOs do their job better

# Local Readiness Reporting

- Municipalities may choose to include the following information:
  - Health officer training competencies
  - Available local resources
  - Local emergency preparedness & response planning efforts
  - Local Board of Health meeting agenda
  - Any local data to highlight top threats/challenges
- Municipalities can adjust DHHS template
- This is a tool to better understand and prioritize local conditions and identify resource/trainings needs



## Sample Template – Summary of Readiness to Address Local Public Health Threats

To be completed by Municipal Board of Health

Date of Report: \_\_\_\_\_

Municipality: \_\_\_\_\_ Population Size: \_\_\_\_\_

Health Officer: \_\_\_\_\_ Health Officer Phone # \_\_\_\_\_

### **Section 1: Readiness of Local Health Officer to Fulfill Public Health Duties**

Has the local health officer completed a training course on the state laws that provide authority?

Yes  No Scheduled for training on this date: \_\_\_\_\_

Is the Local Health Officer able and willing to perform the duties under the following laws:

1. RSA 128: Sanitary Inspections  Yes  No Needs Training \_\_\_\_\_
2. RSA 147 Nuisances  Yes  No Needs Training \_\_\_\_\_
3. RSA 48A Housing Inspections  Yes  No Needs Training \_\_\_\_\_
4. RSA 141-C Communicable Disease  Yes  No Needs Training \_\_\_\_\_
5. RSA xx Health & Safety Plan  Yes  No Needs Training \_\_\_\_\_

Are appropriate PPE available to the Health Officer?  Yes  No  Partial/Need Supplies

Please list any available PPE or Safety equipment (e.g. type of mask, gloves, gown, booties, etc.)

\_\_\_\_\_

Are appropriate inspections tools available to the Health Officer?  Yes  No

Please list any inspection tools (e.g. air or food thermometer, camera, inspection forms, etc.)

\_\_\_\_\_

### **Section 2: Readiness of Municipality to Collaborate with a Regional Public Health Network (RHPN)**

Does the municipality have a preparedness plan for public health issues?  Yes  No

If so, please attach a copy or provide a link to the plan.

*Samples of Community Health Improvement Plans (CHIPs):* <https://www.dhhs.nh.gov/dphs/rphn/index.htm>

### **Section 3: Readiness via Training and Certifications**

Has the Health Officer completed any specialized Environmental Health training courses?

Yes  No Comment: \_\_\_\_\_

Has the Health Officer completed any advanced environmental health certifications?

REHS  CEH Specialist  Other relevant training \_\_\_\_\_

A description of certificates is available at <https://www.neha.org/professional-development/credentials>

**Section 4: Local Board of Health**

As per RSA 128:3, the health officer and selectmen shall constitute the local board of health.  
Please list members of the local Board of Health (BOH):

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How many meetings did the BOH have this past year? \_\_\_\_\_  
If none, when is the date of the next scheduled meeting? \_\_\_\_\_

**Section 5: Narrative**

1. Please describe the top three public health challenges you have for your municipality.

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2. Please describe the readiness of the Local Health Officer to respond to these community concerns.

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# RSA 128: Health Officer Training Requirements

- 128:8 Training and Qualifications
  - “Within one year of appointment every health officer shall complete a minimum of 3 hours of training on topics related to the specific state laws that provide authority to health officers. The training shall be administered at no cost to the municipality by the department of health and human services in collaboration with the New Hampshire health officers association (NHHOA).”

# Training Implementation

- August of 2022, NH DHHS launched “*Introduction to the Duties and Authority of the Local Health Officer*”.
  - Training is currently provided via a virtual platform consisting of 8 self-paced modules
  - Health officers receive certificate upon completion
  - Registration link is sent to HO/DHO upon submission of nomination form
  - HO/DHOs receive conditional appointments until training is complete
- The DHHS Health Officer Liaison program:
  - Monitors registration and completion of training
  - Sends reminder emails monthly

# 3-Hour Curriculum

- Overview of the roles and responsibilities of health officers
- Reviews laws and regulations that specify Health Officer duties and powers, including:
  - RSA 128: Town Health Officers
  - RSA 147: Nuisances
  - RSA 48A: Housing Inspections
  - RSA 141-C: Communicable Disease
  - Applicable RSAs for inspection of schools, daycare, and foster/adoptive homes
- Reviews how to inspect & gather evidence
- Clarifies enforcement authority and tools

# Frequently Asked Questions

Is the training offered in-person?

- Not at this time.

Are there alternative options to fulfill the training requirement other than taking the 3-hour course?

- Not at this time

Can I legally fulfill all of my duties under the law if I only have a conditional appointment?

- Yes

# Frequently Asked Questions

Do I have to complete the training each 3 year term?

- As of right now, yes.

Are Deputy Health Officers required to take training?

- Yes.

What if I do not pass the post-test?

Health offices are given unlimited opportunities to pass the test.

# RSA 128: NHHOA Reporting Requirements

## ● 128:11 Reporting Requirement

- Beginning November 1, 2021, and annually thereafter, **the New Hampshire health officers association**, in consultation with the department of health and human services, **shall report to the joint legislative oversight committee on health and human services, and the state health assessment and state health improvement plan advisory council** regarding the readiness of municipal health officers to respond to potential public health threats in New Hampshire.



# Reporting Requirements: NHHOA Readiness Report

- The DHHS Health Officer Liaison program:
  - Provides a sample template for the readiness report
  - Consults with NHHOA to identify appropriate reporting material
- The NHHOA Board members may:
  - Consult with municipalities & NHMA on emerging public health concerns to include in the report
  - Focus on the readiness of both towns and cities
  - Focus on the individual health officers
    - Do you have the training, equipment and authority to be ready?

# In summary, what changes for the municipality?



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# Municipalities

## May:

- appoint a HO from out of State
- monitor HO/DHO progress in completing the required training
- report to DHHS on the readiness of the municipality to respond to public health threats

## Shall:

- perform a background check on a nominee
- have a DHO serve the same term as the HO (if the town has a DHO)
- have the local Board of Health meet yearly

DHHS may adopt rules to implement this chapter. Rules will clarify any grey areas and address any needed definitions, measures or procedures

# NH DHHS Response to Changes

- The DHHS Health Officer Liaison program:
  - Updated the Health Officer Manual in accordance with statute and administrative changes
  - Updated nomination forms to reflect required information
  - Updated the Health Officer Liaison website to reflect new requirements
  - Provides ongoing information to LHOs on changes via list serve messages and online webinars

NH DHHS Health Officer Program:

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/health-officer-liaison-program/appoint-health>

# NH DHHS Health Officer Liaison Unit

*The Health Officer Liaison Unit (HOLU) fulfills the legislative mandates of DHHS to appoint and support local health officers so municipalities can ensure sanitary conditions and protect public health.*

## Appointments

- Appoints health officers for towns based on recommendation of local selectman (RSA 128)

## Technical Assistance

- Provides phone, email, and onsite consultation
- Yearly average: 220

## Training

- Maintains Health Officer Manual
- Organizes trainings
- Maintains private list serve

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/health-officer-liaison-program>

# Contact Information

Sophia Johnson, MPH

Health Officer Liaison

NH Department of Health & Human Services

Division of Public Health Services

Health Officer Liaison Unit (HOLU )



603-271-3468

HealthOfficer@dhhs.nh.gov

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/health-officer-liaison-program>

# Questions and Open Discussion