



Washington State Board of Health

Chapter 246-90 WAC, Local Board of Health Composition

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Overview

- Rulemaking Scope & Timeline
- Community Engagement Strategy & Feedback
- Proposed Rules
- Comments Received & Staff Recommendations
- Next Steps

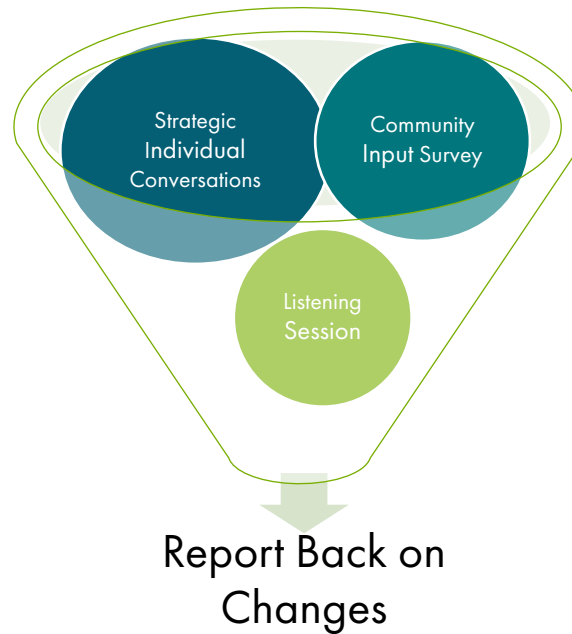
Rulemaking Scope

- Engrossed Second Substitute House Bill (E2SHB) 1152 directs the Board to adopt rules regarding the appointment process for the members of local boards of health who are not elected officials.
 - The selection process must be fair and unbiased and ensure membership of local boards of health include balanced representation of elected officials and non-elected individuals with a diversity of expertise and lived experience.
- The Board's rules must go into effect by July 25, 2022.

Rulemaking Timeline

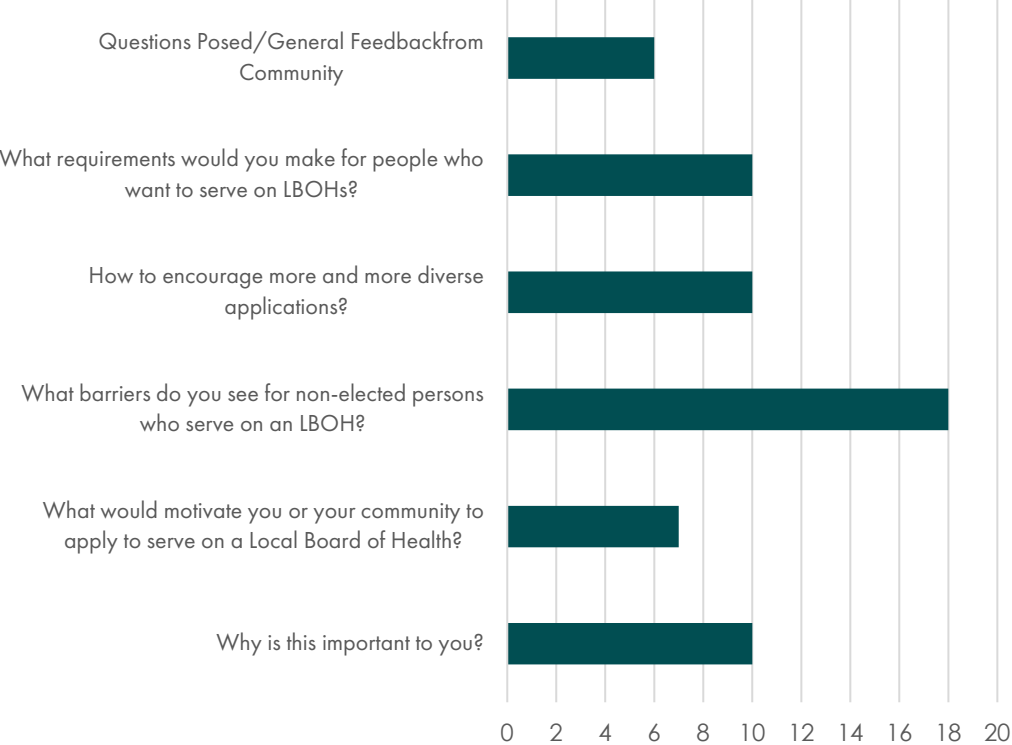


Community Engagement Strategy

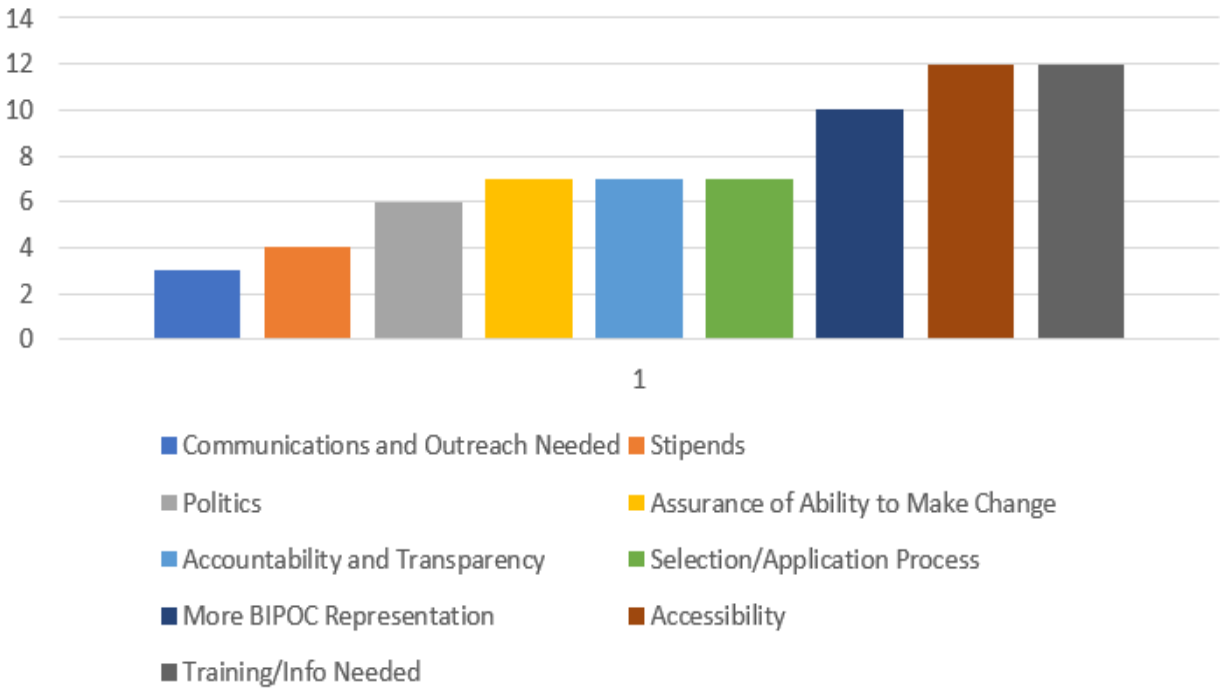


Community Feedback

Comments per Question



Feedback Themes



Proposed Rules

WAC 246-90-005: Purpose, scope, and applicability of the chapter

- Defines the purpose of the chapter as establishing the requirements for the recruitment, selection, and appointment of non-elected members of local boards of health
- Identifies which local health jurisdictions the provisions of the chapter apply
- Clarifies that the chapter only applies to recruitment, selection, and appointment of non-elected members of local boards of health

Proposed Rules

WAC 246-90-010: Definitions

- Includes ten definitions for terms used throughout the chapter
 - Board
 - Consumers of public health
 - Elected official
 - Health agency
 - Health facility
 - Local board of health
 - Local health jurisdiction
 - Nonelected members
 - Other community stakeholders
 - Public health, health care facilities, and providers
- Where applicable, terms align with statutory definitions

Proposed Rules

WAC 246-90-015: Local boards of health – nonelected members

- Reiterates statutory requirements for membership of local boards of health
- Provides for requirements for a resolution or ordinance changing the composition of a local board of health, if used
 - Include provisions comparable to those for elected members
 - Identify the process for how a local board of health will refer applicants to a county legislative authority for appointment

Proposed Rules

WAC 246-90-020: Local boards of health – nonelected members – recruitment

- Establishes minimum standards for recruitment of nonelected members, including:
 - Posting/distributing vacancy announcements with reasonable notice
 - Application requirements
 - Applicant interviews

Proposed Rules

WAC 246-90-025: Local boards of health – nonelected members – selection

- Reiterates statutory requirements for selection of nonelected members from three categories
 - Public health, health care facilities, and providers
 - Consumers of public health
 - Other community stakeholders
- Establishes requirements for local boards of health to assess whether applicants meet statutory qualifications, including conflict-of-interest disclosure

Proposed Rules

WAC 246-90-030: Local boards of health – nonelected members – appointment

- Reiterates statutory requirement that nonelected members be approved and appointed by a majority vote of the board of county commissioners or county legislative authority

Proposed Rules

WAC 246-90-035: Local boards of health – nonelected members – exceptions

- Describes exceptions to the Board's rules as identified in statute, including:
 - Instances in which the current local board of health composition may be retained
 - Definition of "other community stakeholders" for certain local health jurisdictions

Public Comments Received

Representation & Diversity

- Supportive of community representation and diversity of views and experience.
- Staff recommendation: **No proposed changes.**

LBOH Costs

- What are the costs to local boards of health if nonelected members are reimbursed?
- Staff recommendation: **No proposed changes.**

Public Comments Received

County Commissioner Appointment

- Concerns with nonelected members being chosen by a majority vote of county commissioners
 - Would like to see a more diverse representation of elected officials assisting with these decisions
- Staff recommendation: **No proposed changes.**

Public Comments Received

Non-discrimination Language

- Recommends striking proposed language in WAC 246-90-025:
 - “A local board of health shall also assess whether the applicant identifies with a historically underrepresented community when being considered as a non-elected member representing consumers of public health.”
- Recommends replacing the language with:
 - “A local board of health shall not discriminate potential applicants based on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status.”
- Staff recommendation: **No proposed changes.**

Public Comments Received

Tribal Representatives

- Requests changes to WAC 246-90-015(2)
 - Revise “usual and accustomed areas” to “ceded lands”
 - Add: “For those counties or health districts that have multiple Tribes and/or a 501(c)(3) organization, they must include a representative from each of the tribes and 501(c)(3) organization. 501(c)(3) shall have the same meaning as Urban Indian Organizations as defined under RCW 43.71B.010 (20).”
- Staff recommendation: **Proposed changes.** [See next slide.]

Staff Recommended Changes

WAC 246-90-015

(1) The number of nonelected members, as defined in WAC 246-90-010, on a local board of health, including any tribal representative^s as described in subsection (2) of this section, must equal the number of elected officials on a local board of health. Elected members of the local board of health may not constitute a majority.

~~(2) Tribal representatives on local boards of health are selected and appointed following the applicable provisions of RCW 70.05.030, RCW 70.05.035, RCW 70.46.020, and RCW 70.46.031. If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county or health district, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county or health district, the local board of health must include a tribal representative selected by the American Indian health commission according to the selection process prescribed by the commission.~~

A tribal representative ~~as described in this subsection~~ may serve in any of the three nonelected member categories as defined in this chapter if the representative meets the requirements of the category.

Staff Recommended Changes

Technical Corrections

WAC 246-90-005(1)

The purpose of this chapter is to establish requirements for the recruitment, selection, and appointment process of nonelected members of local boards of health.

Staff Recommended Changes

Technical Corrections

WAC 246-90-005(2)

(c) A health district consisting of two or more counties in which the jurisdiction of the ~~local~~ district board of health is coextensive with the combined boundaries of the counties as established in RCW 70.46.020; and

(d) A health district consisting of one county in which the jurisdiction of the district board of health is coextensive with the boundary of the county as established in RCW 70.46.031.

Staff Recommended Changes

Technical Corrections

WAC 246-90-010(8)

"Nonelected member" or "nonelected position" means a person appointed to a district or local board of health who is not an elected official, and represents...

Staff Recommended Changes

Technical Corrections

WAC 246-90-035(1)

For counties with a home rule charter, counties without a home rule charter, health districts consisting of two or more counties, and health districts consisting of one county~~;~~ As local...

Next Steps

- A public rules hearing will be held following this presentation
- If the Board elects to adopt the proposed rules, staff will file a CR-103 with the code reviser
 - Staff recommend these rules go into effect July 1, 2022
- Staff will continue to work with community, board members, and other interested parties to create guidance to accompany the rules



| THANK YOU