

R305. Environmental Quality, Administration.

R305-10. Local Health Department Minimum Performance Standards.

R305-10-1. Authority and Purpose.

(1) This rule is promulgated as required by Subsection 26A-1-106(4). The minimum performance standards apply to local health department services, regardless of funding sources.

(2) The purpose of the Utah Environmental Minimum Performance Standards effort is to bring together Utah Local Health Departments and the Utah Department of Environmental Quality to develop, implement, and monitor core quality measures, assuring effective and efficient delivery of environmental health programs across Utah.

R305-10-2. Definitions.

(1) "Department" means the Utah Department of Environmental Quality.

(2) "District" means the area and population served by a local health department.

(3) "Environmental Health Programs" means programs that the Utah Department of Environmental Quality has the statutory authority to administer for Utah.

(4) "Minimum performance standards" means the minimum duties performed by local health departments for the promotion of environmental quality, including public health administration and environmental health administration including standards for inspection and enforcement, for basic programs of environmental health, not inconsistent with law, as necessary or desirable for the protection of public health, in addition to the powers and duties listed in Section 26A-1-114 and is equivalent to the phrase "minimum performance standards" in Subsection 26A-1-106(4).

(5) "Service delivery plan" means a plan agreed to between the local health department and the Department to coordinate implementation of environmental programs to maximize efficient use of resources and that:

(i) recognizes that the Department of Environmental Quality and local health departments are the foundation for providing environmental health programs in the state;

(ii) delineates the responsibilities of the department and each local health department for the efficient delivery of environmental programs using federal, state, and local authorities, responsibilities, and resources;

(iii) provides for the delegation of authority and pass through of funding to local health departments for environmental programs, to the extent allowed by applicable law, identified in the plan, and requested by the local health department; and

(iv) is reviewed and updated annually.

R305-10-3. Compliance.

(1) The local health department and the department shall monitor compliance with minimum performance standards.

R305-10-4. Corrective Action.

(1) Except as provided in Subsection R305-10-4(3), if the department has cause to believe that a local health department is out of compliance with minimum performance standards the department shall provide a preliminary assessment to the local health officer that identifies the suspected areas of noncompliance. The local health officer shall respond to each of the areas identified in the preliminary assessment within 30 days of receipt.

(2) After review of the local health officer's response, if the department determines that the local health department is out of compliance with the minimum performance standards and has not provided a satisfactory response, the department shall notify the local board of health and the local health officer in writing of its findings and establish a specific time frame for the correction of each area of noncompliance.

(3) The department shall notify the local board of health and the local health officer if the department has cause to believe that noncompliance with minimum performance standards represents an imminent danger to the safety or health of the people of the state or the district.

(4) The local board of health shall submit a written corrective action plan that is satisfactory to the department. The corrective action plan must include the following:

a) date of report;

b) areas of noncompliance;

c) corrective actions;

d) responsible individual; and

e) dates of plan implementation and completion.

R305-10-5. Local Health Officers.

(1) The local health department shall ensure that a local health officer is employed that meets the requirements of Section R380-40-5.

(2) The local health officer shall ensure that an ongoing planning process is initiated and maintained that includes mission statement; community needs assessments; problem statements; goals, outcomes, and process objectives or implementation activities; evaluation; public involvement; and use of available data sources.

(3) The local health officer shall promote and protect environmental health within the district to include the following activities:

(a) coordinate public health services in the district;

(b) direct programs assigned by statute to the local health department, including administering and enforcing state and local health laws, regulations and standards;

(c) ensure that available data on health status and health problems of the district are reviewed regularly including:

(i) a report to the board of health at least annually, and

(ii) an assessment that includes community input at least every five years; and

(d) ensure that information about environmental health and environmental health hazards is disseminated as appropriate to protect the health of people in the district.

R305-10-6. Local Health Department Administration.

(1) Local health departments shall exercise the powers and duties as outlined in Section 26A-1-114.

(2) The local health officer shall ensure that fiscal management procedures are developed, implemented and maintained in accordance with federal, state, and local government requirements.

(3) Each local health department shall have an annual financial audit. The local board of health shall appoint an independent auditor or the audit may be conducted as part of the county audit and, in any event, the local board of health shall accept the audit or accept responsibility for findings in the audit that apply to the local health department.

(4) Each local health department shall employ an environmental health scientist registered in Utah with education and experience consistent with the position requirements to direct, supervise, evaluate, and be accountable for environmental health activities to protect and promote public health and safety and protect the environment.

R305-10-7. Local Health Department Environmental Health Programs.

(1) Each local health department shall develop, implement, and maintain environmental health programs to meet the special or unique needs of its community as determined by local or state needs assessment and the local board of health.

(2) Environmental health programs provided by local health departments shall be delivered and controlled in accordance with approved budget, and evaluated for effectiveness and impact.

(3) Each local health department shall provide environmental health services in compliance with federal, state, and local laws, regulations, rules, policies and procedures; and accepted standards of public health.

(4) The department shall establish a service delivery plan with each local health department to clarify roles and responsibilities of shared environmental health programs.

(5) The department shall provide specialized training where necessary for the local health department to be successful in accomplishing its responsibilities related to the service delivery plan.

(6) Each local health department shall ensure that there is a program including the maintenance of an inventory of regulated entities or complaints for investigation of complaints about environmental health hazards, to include inspections including corrective actions and an information system that documents the process of receiving, investigating and the final disposition of complaints.

(7) The department and local health departments shall coordinate inspections, complaint investigations, and enforcement activities on regulated entities where there is joint responsibility and as specified in the Environmental Service Delivery Plan.

R305-10-8. Local Health Department Environmental Emergency Response.

(1) Each local health department shall participate in environmental emergency preparedness efforts, including:

(a) identifying local health department roles and responsibilities in emergency response;

(b) establishing partnerships with volunteers, emergency response agencies, and other community organizations involved in emergency response;

(c) cooperating with the Department of Environmental Quality in fulfilling responsibilities associated with Emergency Support Functions;

(d) maintaining an all hazards response plan;

(e) maintaining a continuity of operations plan that shall include employee notification, lines of authority and succession, and prioritized local health department functions; and

(f) testing public health preparedness through participation in Department coordinated response drills and exercises.

R305-10-9. General Performance Standards for Local Health Department Laboratory Services.

(1) Each local health department shall ensure that laboratories used to analyze environmental samples have the necessary certification to conduct the applicable tests.

KEY: administrative procedures, local health departments

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