

February 7, 1951.
Passed on File.

Senate File 278
By PARKER and BYERS.

Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to provide for the creation of county and district or multicounty boards of health and the establishment of county and district or multicounty health departments; to provide for their organization and their powers and duties; to provide jurisdiction over health matters and to control preventable diseases; to provide for the appointment of necessary health officers and the employment of medical, nursing, sanitation and other essential personnel, and to authorize the levy and collection of taxes for the purposes of this Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. When used in this Act the words and phrases,
2 "County Health Department" and "District or Multicounty Health
3 Department" which for the purpose of this Act mean a full-time
4 Health Department utilizing local, state, or other funds except
5 direct Federal Grants or any combination thereof, employing
6 qualified personnel, working under the direction and supervision
7 of a qualified physician as health officer, who shall be a citizen
8 of the United States and shall possess such qualifications as may
9 be prescribed by the State Department of Health and conducted in
10 conformity with the rules, regulations, and policies of the
11 Department of Health of the State of Iowa.

1 Sec. 2. When it is proposed to establish in any county
2 a county health department the Board of Supervisors may, and
3 upon a petition signed by two-hundred (200) or more resident
4 freeholders of each county, not more than one-hundred (100) of
5 whom shall be residents of any city or town in such county and
6 filed with the board at least forty-five (45) days prior to the
7 next general election shall submit to the voters of the county
8 at the next general election the question of establishing a
9 county health department.

1 Sec. 3. Should a majority of all the votes cast upon the
2 proposition at a general election, be in favor of establishing
3 such county health department the Board of Supervisors shall
4 proceed to establish such a county health department as
5 hereinafter provided.

1 Sec. 4. When it has been determined by the voters of a
2 county to establish a county health department the Board of
3 Supervisors of that county shall call a conference which shall
4 include the Mayors of all incorporated cities and towns in the
5 county, the members of the county board of education and members
6 of the Board of Supervisors. Such conference shall organize for
7 the purpose of selecting a county board of health. This board
8 of health shall consist of not more than eleven members, three
9 of which shall be members of the local county medical society,
10 nominated by the county medical society, one dentist, one
11 osteopathic physician, one veterinarian, and the others among the
12 resident citizens of the county with reference to their fitness

13 for such office. Not more than six of such board members shall at
14 any time be residents of the city or town with the greatest
15 population in such county. Such board members shall hold office.
16 four for a term of two years, four for a term of four years,
17 and three for a term of six years, and they shall determine by
18 lot their respective terms, and thereafter their successors
19 shall be appointed for regular terms of six years each. In
20 selection of the members of the board of health the county
21 Board of Supervisors, the Mayors, and the members of the county
22 board of education shall vote as units, each unit having a
23 single vote, and it shall be necessary for two of the three
24 groups to agree on the selection of any member of the board of
25 health.

1 Sec. 5. Vacancies in the board shall be filled in the
2 same manner as original appointments, such appointees shall hold
3 office until their successors have been appointed and qualify
4 as provided by law.

1 Sec. 6. Such board members shall within ten days after
2 appointment qualify by taking the usual oath of office, but no
3 bond shall be required of them. They shall organize by the
4 election of one of their number as chairman and one as secretary.
5 Said board shall meet at least once every three months. Six
6 members of said board shall constitute a quorum for the trans-
7 action of business. The secretary shall keep a complete record
8 of its proceedings.

1 Sec. 7. The county treasurer shall receive and disburse all

2 funds which are under the control of said boards of health, the
3 same to be paid out only upon warrants drawn by the county auditor
4 by direction of the board of supervisors after the claim for which
5 the warrant is drawn is certified to be correct by the said county
6 board of health. Local, state, or other funds except direct
7 Federal Grants or any combination thereof may also be accepted by
8 the county treasurer for the support and maintenance of the county
9 health department.

1 Sec. 8. Said county board of health of multicounty board of
2 health trustees as provided for in Section 14, thereof shall
3 appoint a health officer who shall be a physician who shall be a
4 citizen of the United States and possess such qualifications as
5 may be prescribed by the State Department of Health who shall hold
6 office during the pleasure of the board. The compensation of such
7 health officer shall be fixed by said board. The board shall
8 employ such qualified medical, nursing, and public health engineer-
9 ing personnel, and such other essential assistants and employees as
10 may be necessary and fix their compensation provided that all
11 professional employees and technicians shall meet the educational
12 requirements prescribed by the State Department of Health, which
13 department is hereby empowered and authorized to prescribe such
14 requirements. In case of the adoption of the county health
15 department plan, the civil service status and pension rights of
16 any then existing employee of any then existing health department
17 shall be maintained and protected.

1 Sec. 9. Upon the establishment of a county health department

2 as herein provided, pre-existing local boards of health shall
3 cease to exist and the county board of health constituted by this
4 Act shall assume all of the powers and duties of local boards of
5 health as provided by the Code of Iowa 1950, except that in cities
6 of 50,000 or over the city board of health and its powers may be
7 continued and its functions shall be integrated with those of the
8 county board of health by agreement between the two boards.

1 Sec. 10. The Board of Health of each county or multicounty
2 Health Department may initiate and carry out programs and activities
3 of all kinds not inconsistent with law, that may be deemed necessary
4 or desirable in the promotion and protection of health and the
5 control of disease.

1 Sec. 11. All of the powers and duties conferred upon local
2 boards of health and health officers as provided by the Code of
3 Iowa, 1950 are hereby conferred upon the county board of health
4 as herein established and its health officer and all of the
5 provisions of the Code of Iowa, 1950 that are applicable and not
6 inconsistent with the provisions of this Act are hereby made
7 applicable to such county boards of health.

1 Sec. 12. Pursuant to this Act the powers and duties
2 conferred upon the Local Board of Health and Health Officers shall
3 have the following meaning:

4 (1) Health information and education including that
5 pertaining to Maternal and Child Health.

6 (2) Collection analysis and interpretation of Vital
7 Statistics.

8 (3) Environmental Sanitation.

9 (4) Investigation of the existence of contagious or
10 infectious diseases including the provision of laboratory
11 facilities necessary for the diagnosis of such contagious or
12 infectious diseases.

13 (5) Providing professional advice to all city, village,
14 unincorporated towns, county and school authorities to all
15 matters pertaining to sanitation and public health.

16 (6) County and Multicounty health departments are hereby
17 specifically forbidden to engage in medical or dental treatment
18 except as necessary for communicable disease control or to
19 meet epidemic or other emergency situations. The Board of
20 Health as defined in this Act or its employees shall not be
21 allowed to engage in the practice of Healing Arts or any of the
22 professions for which licenses are required of individuals to
23 diagnose or treat any individual patient or group of patients
24 as a part of the operation of this Act, or powers given under
25 this Act, or by Chapters referred to in this Act, except
26 diagnoses where contagious or infectious disease suspected.
27 This shall not prevent the Board Members or its employees
28 licensed to practice any of the Healing Arts from carrying on
29 their own private practice not connected with the activities of
30 the Board or the County or Multicounty health department.

1 Sec. 13. The county board of health shall meet annually
2 on or before the second Monday of June, decide upon and certify
3 to the Board of Supervisors the amount needed for the support and

4 maintenance of the county health department. This amount, not to
5 exceed one (1) mill shall be levied each year in the ordinary
6 taxes at the time of action thereon.

1 Sec. 14. No member of the Board of Health shall receive any
2 compensation for these services performed under this Act, but he
3 shall be reimbursed for any cash expenditures actually made for
4 personal expenses incurred in the performance of his duties. An
5 itemized statement of such expenses verified by the oath of such
6 member shall be filed with the secretary and the same shall only
7 be allowed by an affirmative vote of all members present at the
8 meeting of the board.

1 Sec. 15. Two or more adjacent counties which vote to
2 establish county health departments under the provisions of this
3 Act may by agreement of the county boards of health, unite to
4 organize a district or multicounty health department shall be
5 directed by a district or multicounty board of health trustees
6 composed of representative members of such participating county
7 board of health not to exceed eleven members.

1 Sec. 16. The personnel employed by the district or
2 multicounty health department shall be paid from a fund derived
3 from the various participating counties and to which fund each
4 participating county shall contribute in the proportion that
5 the population of the county bears to the whole.

1 Sec. 17. The county treasurer of the county in which the
2 headquarters of the district or multicounty health department is
3 located shall receive also this joint fund and disburse such

4 funds as may be directed by the district or multicounty board of
5 health trustees.

1 Sec. 18. After two or more contiguous counties shall have
2 taken action to establish a multicounty health department under
3 this Act, any participating county may withdraw therefrom no
4 earlier than one year from the beginning of the next fiscal year
5 following written notice to the district or multicounty board of
6 health trustees and the boards of health of all other participating
7 counties of its intention so to do.