
HOUSE BILL 2542

State of Washington

59th Legislature

2006 Regular Session

By Representatives Schual-Berke, Moeller, Morrell, Appleton, Ericks and Green

Read first time 01/10/2006. Referred to Committee on Health Care.

1 AN ACT Relating to performance measures for emergency preparedness;
2 amending RCW 70.05.120; adding a new chapter to Title 70 RCW; making an
3 appropriation; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that certain threats
6 to public health do not respect the jurisdictional boundaries of local
7 public health districts and departments. Such threats require an
8 efficient, well-coordinated response by local health jurisdictions in
9 order to protect the health of local residents as well as the health of
10 all Washingtonians. These threats place demands on public health to be
11 more vigilant than ever and to respond quickly and decisively. Rapid
12 responses of substantial magnitude are no longer a goal for the future,
13 but a necessity for preserving the health of society.

14 For over a decade, the public health improvement plan process has
15 brought state and local health jurisdictions together to achieve a
16 partnership that has produced standards of quality and best practices
17 that are a national model. The standards developed by the public
18 health improvement partnership have focused largely on formal
19 documentation of administrative processes by state and local health

1 jurisdictions. This is the necessary first step to measuring the
2 performance of public health, but is not yet sufficient for measuring
3 the outcomes of these improvements in public health operations.
4 Performance measures are needed immediately to ascertain the extent to
5 which the residents of the state of Washington have a consistent and
6 adequate level of protection from communicable diseases such as avian
7 influenza and tuberculosis. Performance measures are also urgently
8 needed to assure Washington residents of an adequate and consistent
9 statewide response to public health emergencies such as those that will
10 result from a major earthquake, terrorist attack, or pandemic disease
11 outbreak.

12 The legislature recognizes the magnitude of the demands placed on
13 public health in today's society and the strides that it has made
14 toward holding itself accountable for the way in which it performs.
15 The legislature finds that enhanced funding and enhanced performance
16 measures are immediately necessary in order for public health to
17 perform at levels that will protect all of the residents of Washington.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires otherwise.

20 (1) "Department" means the department of health.

21 (2) "Local health jurisdiction" means a local health department as
22 established under chapter 70.05 RCW, a combined city-county health
23 department as established under chapter 70.08 RCW, or a health district
24 established under chapter 70.05 or 70.46 RCW.

25 (3) "Performance measure" means a standard that establishes a
26 benchmark against which a local health jurisdiction's performance can
27 be measured that is as closely associated with a desired outcome as
28 possible.

29 (4) "Secretary" means the secretary of health.

30 NEW SECTION. **Sec. 3.** The secretary shall:

31 (1) By December 1, 2006, develop a limited set of key performance
32 measures for emergency preparedness and protection from communicable
33 disease. The performance measures must provide a means to assess
34 operations of the department and each local health jurisdiction with
35 respect to providing an adequate and consistent level of statewide
36 protection for the residents of the state in the event of an emergency

1 that threatens public health or an outbreak of communicable disease.
2 In developing these measures, the secretary shall consider performance
3 measures developed by government agencies and private organizations.
4 The secretary shall attempt to develop these performance measures in
5 categories consistent with the process standards applicable to
6 emergency preparedness and protection from communicable disease as
7 identified in the public health improvement plan under RCW 43.70.520
8 and 43.70.580.

9 (2) Develop a process for assessing the compliance of the
10 department and each local health jurisdiction with the performance
11 measures developed under subsection (1) of this section at least
12 biannually;

13 (3) Determine timely and appropriate remedial measures as provided
14 in section 5 of this act for any local health jurisdiction found not to
15 be in substantial compliance with the performance measures developed
16 under subsection (1) of this section;

17 (4) Review spending plans submitted by local health jurisdictions
18 under section 4 of this act for meeting performance measures developed
19 under subsection (1) of this section; and

20 (5) Notify the governor immediately when funds for local health
21 jurisdictions are inadequate for jurisdictions to maintain substantial
22 compliance with the performance measures developed under subsection (1)
23 of this section.

24 NEW SECTION. **Sec. 4.** (1) Each local health jurisdiction must
25 substantially comply with the performance measures established under
26 section 3 of this act by July 1, 2007, and maintain such substantial
27 compliance.

28 (2) Each local health jurisdiction must develop a spending plan
29 that details the necessary and appropriate expenditures it will incur
30 to achieve and maintain substantial compliance with the performance
31 measures under section 3 of this act.

32 NEW SECTION. **Sec. 5.** (1) Within ninety days of a determination by
33 the department that a local health jurisdiction has failed to
34 substantially comply with the performance measures developed under
35 section 3 of this act, the secretary must determine appropriate
36 remedial measures to achieve compliance from the local health

1 jurisdiction. The secretary must submit a notice of noncompliance to
2 the local health jurisdiction specifying the actions that the
3 jurisdiction must take to achieve compliance, together with any interim
4 actions that may be required to protect public health while the local
5 health jurisdiction achieves compliance with the performance measure.

6 (2) When a local health jurisdiction receives a notice of
7 noncompliance under subsection (1) of this section, the local health
8 officer or administrative officer appointed under RCW 70.05.040 must
9 submit a plan of correction to the secretary within two weeks. The
10 plan of correction shall specify the actions that the local health
11 jurisdiction will take to achieve compliance.

12 (3) Upon receiving a plan of correction from a local health
13 jurisdiction, the secretary must review the plan for adequacy and
14 either approve the plan or direct the local health jurisdiction to make
15 changes and resubmit it.

16 (4) If a local health jurisdiction fails to submit an acceptable
17 plan of correction or fails to comply with the terms of an approved
18 plan of correction, the secretary may order that additional remedial
19 measures be imposed including any of the following:

20 (a) Assignment of a monitor of the operations of the local health
21 jurisdiction;

22 (b) Censure or reprimand;

23 (c) Suspension or refund of payments provided to the local health
24 jurisdiction under section 6 of this act; or

25 (d) Removal of the local health officer or administrative officer
26 as specified in RCW 70.05.120.

27 (5) The department shall not issue a notice of noncompliance in any
28 instance where the secretary has notified the governor of the
29 inadequacy of funds under section 3 of this act and the local health
30 jurisdiction's failure to substantially comply with the performance
31 measures developed under section 3 of this act is the result of this
32 inadequacy of funds.

33 (6) The remedial measures in this section do not preclude the
34 secretary from exercising any other authority available to him or her.

35 NEW SECTION. **Sec. 6.** The department shall allocate funds
36 appropriated for the purpose of supporting local health jurisdictions
37 in meeting the performance measures for emergency preparedness and

1 protection from communicable disease established in section 3 of this
2 act. Funds shall not be distributed until the standards have been
3 finalized. Thereupon, the funds shall be distributed based on the
4 spending plans submitted by local health jurisdictions under section 4
5 of this act. If there are insufficient moneys to fund all plans, the
6 department must prioritize spending requests within each plan as
7 necessary in a manner the secretary believes is most likely to produce
8 a consistent level of public health protection from communicable
9 disease and preparedness for public health emergencies.

10 **Sec. 7.** RCW 70.05.120 and 2003 c 53 s 350 are each amended to read
11 as follows:

12 (1) Any local health officer or administrative officer appointed
13 under RCW 70.05.040, if any, who shall refuse or neglect to obey or
14 enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or the
15 rules, regulations or orders of the state board of health or who shall
16 refuse or neglect to make prompt and accurate reports to the state
17 board of health, or who continuously fails to submit an acceptable plan
18 of correction or fails to comply with the terms of an approved plan of
19 correction under chapter 70.-- RCW (sections 1 through 6 of this act),
20 may be removed as local health officer or administrative officer by the
21 state board of health, or the secretary of health in the case of a
22 failure to submit or comply with a plan of correction under this act,
23 and shall not again be reappointed except with the consent of the state
24 board of health. Any person may complain to the state board of health
25 concerning the failure of the local health officer or administrative
26 officer to carry out the laws or the rules and regulations concerning
27 public health, and the state board of health shall, if a preliminary
28 investigation so warrants, call a hearing to determine whether the
29 local health officer or administrative officer is guilty of the alleged
30 acts. Such hearings shall be held pursuant to the provisions of
31 chapter 34.05 RCW, and the rules and regulations of the state board of
32 health adopted thereunder.

33 (2) Any member of a local board of health who shall violate any of
34 the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or
35 neglect to obey or enforce any of the rules, regulations or orders of
36 the state board of health made for the prevention, suppression or
37 control of any dangerous contagious or infectious disease or for the

1 protection of the health of the people of this state, is guilty of a
2 misdemeanor, and upon conviction shall be fined not less than ten
3 dollars nor more than two hundred dollars.

4 (3) Any physician who shall refuse or neglect to report to the
5 proper health officer or administrative officer within twelve hours
6 after first attending any case of contagious or infectious disease or
7 any diseases required by the state board of health to be reported or
8 any case suspicious of being one of such diseases, is guilty of a
9 misdemeanor, and upon conviction shall be fined not less than ten
10 dollars nor more than two hundred dollars for each case that is not
11 reported.

12 (4) Any person violating any of the provisions of chapters 70.05,
13 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any
14 of the rules, regulations or orders made for the prevention,
15 suppression and control of dangerous contagious and infectious diseases
16 by the local board of health or local health officer or administrative
17 officer or state board of health, or who shall leave any isolation
18 hospital or quarantined house or place without the consent of the
19 proper health officer or who evades or breaks quarantine or conceals a
20 case of contagious or infectious disease or assists in evading or
21 breaking any quarantine or concealing any case of contagious or
22 infectious disease, is guilty of a misdemeanor, and upon conviction
23 thereof shall be subject to a fine of not less than twenty-five dollars
24 nor more than one hundred dollars or to imprisonment in the county jail
25 not to exceed ninety days or to both fine and imprisonment.

26 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute
27 a new chapter in Title 70 RCW.

28 NEW SECTION. **Sec. 9.** The sum of twenty million dollars, or as
29 much thereof as may be necessary, is appropriated for the fiscal year
30 ending June 30, 2007, from the general fund to the department of health
31 for the purposes of this act.

32 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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