

# ***BYLAWS OF THE TOMPKINS COUNTY BOARD OF HEALTH***

## **I. Establishment and Operation**

**Section 1.00** The Tompkins County Board of Health, established April 14, 1947 in accordance with the provisions of Sections 340-343 of the Public Health Law of the State of New York, shall exercise all the powers and duties of local boards of health as described in Sections 307-310 of the Public Health Law and shall further assume the responsibilities as may arise or be indicated for county boards of health as defined in Section 347 of the Public Health Law. It shall also operate within the provisions of the charter of the County of Tompkins and such provisions that may be adopted in connection therewith by the Tompkins County Legislature.

## **II. Board of Health Powers and Duties**

**Section 2.00** The Board of Health shall have the following powers and duties:

(a) Formulate, promulgate, adopt, amend or repeal, and publish rules, regulations, orders, and directives for the security of life and health in the Health District (i.e., all of Tompkins County) that shall not be inconsistent with the Public Health Law or the State Sanitary Code. Such rules, regulations, orders and directives shall be known as the "County Sanitary Code";

(b) Take appropriate action to preserve and improve public health within the County;

(c) Consider any matters that may come to its attention relating to the preservation and improvement of public health within the County and advise the Public Health Director thereon, either at the Public Health Director's request or upon its own initiative, and from time to time make recommendations to the Public Health Director thereon;

(d) Serve as the governing authority for the Tompkins County Licensed Home Care Services Agency (the "Agency") pursuant to Codes, Rules, and Regulations of the State of New York and be responsible for the establishment of standards of the Agency service and care and the approval of standard clinical regimens;

(e) Select and appoint a qualified Agency Administrator and delegate to the Administrator executive authority and responsibility for the operation of the Agency, including the employment of professional staff;

(f) Serve as the governing authority for the Diagnostic & Treatment Center (the "Clinic") pursuant to Codes, Rules, and Regulations of the State of New York and be responsible for the establishment of standards of the Clinic service and care and the approval of standard medical regimens;

(g) Select and appoint a qualified Diagnostic & Treatment Center Administrator and delegate to the Administrator executive authority and responsibility for the operation of the Clinic, including the employment of professional staff;

(h) Organize and maintain, or contract for, public health clinics in Tompkins County;

(i) Review and make recommendations on the budget of the Department of Health;

(j) Operate within the financial, personnel, and administrative County policies as established by the Tompkins County Legislature;

(k) With the approval of the Tompkins County Legislature (and the State Commissioner of Health, where required by law), establish fees for the services provided by the Health Department. Both the Board of Health and the Tompkins County Legislature must mutually agree on the fees. If a disagreement occurs, the fee schedule shall return to the Board of Health for review and recommendation back to the Tompkins County Legislature.

### **III. Membership**

**Section 3.00** The Board of Health shall consist of seven members, one of whom shall be a member of the County Legislature, selected by the County Legislature, and at least three of whom shall be physicians licensed to practice in the State of New York, and in addition, the City of Ithaca shall be entitled to one additional representative member on the Board of Health, for a total of eight, as long as the City remains a part of the county Health District.

**Section 3.01** Members of the Board of Health shall be residents of the county.

#### **Section 3.02**

(a) The members of the Board of Health shall be appointed by the County Legislature.

(b) The county medical society may submit to the County Legislature a list of physicians from which the County Legislature may choose the medical members of the Board of Health.

(c) The additional city representative member of the Board of Health shall be appointed by the County Legislature from a list of three persons submitted by the mayor or other administrative head of the city. The city representative shall have all the powers and duties conferred upon other members of said Board.

**Section 3.03** The term of office of each appointive member of the Board of Health, including the city representative, shall be six years, with terms overlapping such that at least one term expires each year (the term of one of the members shall expire annually); except that the term of office of the representative member of the County Legislature shall be for such lesser period as may be required in the event that he/she does not continue as a member of the County Legislature.

**Section 3.04** Vacancies shall be filled by appointment for the unexpired terms.

**Section 3.05** No member may be appointed for more than two consecutive terms, unless this provision is waived by a majority vote of the Board of Health and the County Legislature concurs.

### **IV. Sanitary Code: Procedures for Adoption**

**Section 4.00** The following procedures shall be used for adoption of the Tompkins County Sanitary Code:

(a) The affirmative vote of a majority of the total membership of the Board of Health shall be required to pass any rule, regulation, order, or directive that constitutes the adoption of, or an amendment or addition to, the County Sanitary Code. On the final passage, the question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes of the proceedings.

(b) Every rule, regulation, order, or directive that constitutes an amendment or addition to the County Sanitary Code shall be mailed or delivered in final form to each member at least 10 calendar days, exclusive of Sunday, prior to passage.

(c) The Board of health shall hold a public hearing on every rule, regulation, order, or directive that constitutes the adoption of, or an amendment or addition to, the County Sanitary Code, prior to its final passage. Such public hearing shall be on at least five days' notice, published in the official daily newspaper(s) in the County.

(d) The Board of Health shall cause to be published annually a supplement to the County Sanitary Code which shall indicate all additions to, repeals, and amendments of any section of said Code.

*As amended 9/78, 4/79, 5/95, 10/96, 2/04, 9/10, 7/12*

*As corrected 11/07*

(e) The Public Health Director shall cause to be furnished certified copies of the County Sanitary Code and its amendments for such fees as may be authorized by law.

## **V. Board Officers and Duties**

**Section 5.01** The Officers of the Tompkins County Board of Health (hereafter referred to as the “Board”) shall be a President and a Vice-President, each of whom shall be elected annually for a term of one year by the members of the Board at the first meeting of the Board each year. The Board may designate the Public Health Director to serve as its Secretary or elect one of its members to the position. In the event the office of the President becomes vacant, the Vice-President shall automatically succeed to the office of the President. Should the office of Vice-President become vacant the members of the Board shall elect one of its members to fill the vacancy.

**Section 5.02** The duties of the President shall be to preside over all meetings of the Board, to appoint all committees, and to perform all duties incidental to the position and office and such other duties as the Board may from time-to-time direct.

**Section 5.03** The Vice-President shall perform such duties as the President may from time- to-time direct. In the event of the absence, incapacity, or inability of the President to perform the duties or exercise the powers of the office, they shall be performed and exercised by the Vice-President.

**Section 5.04** The Secretary shall, with the assistance of a staff member if desired, record the minutes of each meeting and mail them to each member prior to the subsequent meeting, and handle all the correspondence addressed to the Board.

## **VI. Board Meetings**

**Section 6.00** Meetings shall be held monthly at a time and place to be determined by the Board. If there is insufficient business to merit the conduct of a meeting the Public Health Director will so inform the members. Special meetings may be called at the discretion of the President.

**Section 6.01** Members shall miss no more than four meetings annually. Failure to attend 2/3 of the regularly scheduled Board meetings will result in a recommendation to the County Legislature by the President of the Board of Health that the member be terminated and replaced unless the President of the Board of Health determines that there was good cause for the failure to attend the Board meetings.

**Section 6.02** Meetings must have a quorum of members present to conduct business. A quorum shall be a majority (5) of the full board. Business may be conducted with affirmative votes of a majority of the members then present if a quorum is also present. The affirmative vote of a majority of the full board membership shall be required to pass any rule, regulation, order or directive that constitutes the adoption of or amendment or addition to the County Sanitary Code.

## **VII. Public Health Director**

**Section 7.00** The County Administrator shall appoint a Public Health Director, upon recommendation of the Board of Health, subject to confirmation by the Tompkins County Legislature, the Board of Health, and the New York State Commissioner of Health, as provided in Section 356 of the Public Health Law, and pursuant to the Tompkins County Charter Section C-9.00, whose duties are set forth in Section C-9.01.

**Section 7.01** The Public Health Director shall have the powers and duties as defined in Section 352 of the Public Health Law and shall perform such duties as the Board from time-to-time may confer or request. The Public Health Director shall have the responsibility for the administration of the Tompkins County Health Department and the programs and services conducted by it.

**Section 7.02** The term of office of the Public Health Director shall be six years.

## **VIII. Medical Director**

**Section 8.00** There shall be a Medical Director who shall be appointed by the Public Health Director after consultation with the Board of Health. The Medical Director shall be directly responsible to the Public Health Director and shall exercise general supervision and control, in concert with the Public Health Director, of all medical aspects of the Department's operations, including the medical treatment and quality assurance of patients in public health centers and clinics operated by the Health District. At the time of appointment and throughout the term of office, the Medical Director shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law, the local Civil Service Office, and the Tompkins County Legislature.

## **IX. Medical Examiner**

**Section 9.00** There shall be a medical examiner(s) appointed by the Public Health Director after consultation with the Board of Health. The Medical Examiner(s) shall be directly responsible to the Public Health Director. At the time of appointment and throughout the term of office, the Medical Examiner(s) shall be and remain duly licensed to practice medicine in the State of New York. The Medical Examiner(s) shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a medical examiner and shall perform such other and related duties as may be required by the Tompkins County Legislature.

## **X. Committees**

### **Section 10.00 Executive Committee**

This committee shall be composed of the President and Vice-President and one other member designated by the President. In every instance, however, there shall be at least one physician member. This committee shall have the power to act for and in place of the Board when action is urgent and a quorum cannot be obtained or due notice of a meeting cannot be given. Minutes of the Executive Committee shall be kept and any action taken shall be reported at the next meeting of the Board.

*As amended 9/78, 4/79, 5/95, 10/96, 2/04, 9/10, 7/12*

*As corrected 11/07*

Meetings of the Executive Committee shall be called by the President and may be held at the request of the Public Health Director. Should one or more members of the Executive Committee not be available, the Public Health Director shall consult with the President or Vice-President as to the other person or persons to serve and if neither be available the Public Health Director shall have the privilege of selecting other members of the Board to make a committee of three.

**Section 10.01 Special Committees**

The Board, in its deliberations, may find it advisable that committees for special purposes be appointed. It shall be the prerogative of the President, with the consent of the Board, to select and appoint qualified persons from the County to serve on such committees; however, in all instances there shall be at least one member of the Board on such a committee who shall serve as Chair of the committee and report to the Board on the recommendations of the committee.

**Section 10.02 Community Health Quality Advisory Committee**

(a) The Board shall appoint a group of at least 5, which shall include one or more physicians, registered professional nurses, and representatives of the professional services provided by the Agency, as well as one or more consumers and representatives from allied agencies. For detail on Committee functions refer to the Community Health Quality Advisory Committee Bylaws located in the Division for Community Health Policy Manual.

(b) This committee shall establish and assure standards of care and meet at least quarterly to:

1. Review policies pertaining to the delivery of the health care services provided by the Agency and, when revisions are indicated, recommend such policies to the Board of Health for adoption;
2. Conduct a clinical record review of the safety, adequacy, type and quality of services provided which includes: a random selection of patients currently receiving services and patients discharged from the Agency within the past three months. Review shall include all incident reports and patient complaints;
3. Under the direction and approval of the Medical Director report the review findings, conclusions, recommendations and actions to the Board of Health for necessary action, and
4. Assist the Agency in maintaining liaison with other health care providers in the community.

(c) The term of membership for community representatives (defined in 10.02 (a) above) shall be three years; members may be appointed for a second term. After two terms, a previous member may be re-appointed upon majority vote of the Board of Health.

**XI. Amendment of the Bylaws**

These bylaws may only be modified by an affirmative vote of the total membership of the Board of Health provided that the proposed amendment has been delivered or mailed in final form to each member at least ten calendar days, exclusive of Sunday, prior to the date of its adoption. The amended bylaws shall only become effective after confirmation by the County Legislature.