

## **New State Law Changes Rules for Public Health Districts**

On January 15, 2009, Governor Deval Patrick signed into law Chapter 529 of the Acts of 2008, an Act Relative to Public Health Regionalization. The law brings long overdue changes to rules that had been on the books for years governing how cities and towns may co-hire health staff and form public health districts in Massachusetts. Passage of Chapter 529 reflected hard work by local public health officials and the bill's sponsors, Sen. Susan Fargo (D-Lincoln) and Rep. Peter Koutoujian (D-Waltham).

Chapter 529 promotes the voluntary formation of public health districts by removing barriers to cooperation among cities and towns that were included in the old law. Chapter 529 amends M.G.L. Chapter 111, Sections 27(A), 27(B), and 27(C). Key features of the new law include:

- Cities may now enter into agreements to co-hire health directors. Only towns were allowed to do so before.
- Boards of Health must now vote to approve forming health districts. Under the old law, only City Councils or Town Meetings had authority to do so. Now, approval requires votes from both the Board of Health and the City Council or Town Meeting for all communities forming a district.
- The new law respects home rule authority of cities and towns. Under the old rules, communities that formed health districts were required to transfer their policy making authorities to those districts. Now, communities have the flexibility to decide whether to transfer or keep their board of health authority.
- New communities may now join existing health districts. They were not allowed to do so before.
- Communities have the flexibility to design governance agreements, financial terms, and service sharing arrangements that work for them.
- Chapter 529 includes a variety of protections for local public health workforces. The old law made no provisions for part time employees. Civil service, retirement, and compensation rights are protected under the new law for municipal employees who are transferred into districts. Rights are also protected for employees of towns that withdraw from districts.
- The new law shortens the minimum time communities must participate in districts from five years to three years.
- Chapter 529 charges the Department of Public Health, in consultation with the Department of Environmental Protection, to develop workforce credentials for district directors and performance standards for districts.
- In turn, the new law provides the legal basis for state funding of start-up and operating costs of districts. *The new law does not provide funding for districts.* State support for district operating costs is subject under the law to financial appropriations by the legislature.

A core principle of regionalization is that everyone deserves equal access to high quality public health services, regardless of where they live. Chapter 529 was intended by its sponsors to encourage communities to coordinate and share services in order to improve disease and injury prevention, promote wellness, and protect populations. Massachusetts is one of the only states in the U.S. without a regional or county health system. Most Boards of Health are currently understaffed and operating without adequate resources. Chapter 529 was intended to promote voluntary, flexible cooperation among communities and to help augment existing public health workforces.

The full text of Chapter 529 is available online at <http://www.mass.gov/legis/laws/seslaw08/sl080529.htm>. For more information about the bill, contact the Massachusetts Association of Health Boards, <http://www.mahb.org/>, the Massachusetts Health Officers Association, <http://www.mhoa.com/>, the Boston University School of Public Health Practice Office, [http://sph.bu.edu/index.php?option=com\\_content&task=view&id=173&Itemid=50201](http://sph.bu.edu/index.php?option=com_content&task=view&id=173&Itemid=50201), or the Massachusetts Department of Public Health, Office of Healthy Communities, 250 Washington St., Boston, MA 02108, (617) 624-5200.