

Policy and Procedure  
**BUNCOMBE COUNTY HEALTH AND HUMAN SERVICES/DEPARTMENT OF HEALTH**

Title: Observing Laws and Regulations Utilized to Support Public Health	Policy #:1000-56	Revision #: 5	Page 1 of 4
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Category & Subcategory:	BCDH Administrative Policy and Procedure	Original Effective Date:	January 16, 2004	This Revision Effective:	August 22, 2014
Persons Affected	The Buncombe County Department of Health workforce				
Approval By/ Date	_____ Health Director	_____ Date	_____ Chair, Buncombe County Board of Health and Human Services	_____ Date	_____ Date
Review Date & Initials	_____	_____	_____	_____	_____

1.0 Revision History	Date of Revision	Summary of Changes	Section
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**2.0 Policy**

The policy of Buncombe County Department of Health is to ensure:

The Buncombe County Department of Health (BCDH) workforce consults and follows federal, state, and local laws and regulations and the most current recommendations of regulating and advisory agencies in the delivery of essential and mandated public health services.

<b>2.0</b>	1-1-06	Title changed to "Laws and Regulations Utilized to Support Public Health Activities"	
	12-18-07	The words "including contract personnel" removed from definition of workforce	4.11
	3-12	Expanded non-discrimination definition	6.5
		Agency name change	Throughout
		Added BOH signature	Approval By/Date
		Updated websites and references	Throughout
		Added NC Accreditation reference	6.7
	9-12	Added instructions to use most current version	Appendix 1
	7-14	Added last section of policy statement	2.0
		Updated BOH signature to Board of Health and Human Services	Approval By/Date
		Deleted Human Services Support Team and updated to Health and Human Services Human Resources	6.3

**3.0 Purpose**

This policy and procedure provides usage and access information for the workforce on the laws, regulations and guidelines applicable to public health practices and services and related activities, regulations and the most current recommendations of regulating and advisory agencies in the delivery of essential and mandated public health services.

**4.0 Definitions**

- 4.1. CDC—Centers for Disease Control and Prevention—An agency of the United States government. The CDC serves as the national focus for developing and applying disease prevention and control, environmental health, and health promotion and education activities designed to improve the health of the people of the United States. The Internet home page for the CDC is <http://www.cdc.gov>.
- 4.2. DHHS—North Carolina Department of Health and Human Services—A department of State government that is charged with "protecting health, fostering self-reliance and protecting the vulnerable." <http://www.dhhs.state.nc.us/> The Division of Public Health is a component of DHHS.
- 4.3. Essential public health services—those services that the State shall ensure because they are essential to promoting and contributing to the highest level of health possible for the citizens of NC.
- 4.4. Mandated public health services—The public health services that the State requires a local public health department to implement.
- 4.5. FR—Federal Register—The official publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents. The Internet search page for the CFR is located at <http://www.gpo.gov/fdsys/>.
- 4.6. USCFR—United States Code of Federal Regulations—The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50

Policy and Procedure  
BUNCOMBE COUNTY HEALTH AND HUMAN SERVICES/DEPARTMENT OF HEALTH

Title: Observing Laws and Regulations Utilized to Support Public Health	Policy #:1000-56	Revision #: 5	Page 2 of 4
---	------------------	---------------	-------------

titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis. The Internet search page is: <http://www.gpoaccess.gov/cfr/index.html>

- 4.7. NCAC—North Carolina Administrative Code—A compilation of the administrative rules of approximately 26 state agencies and 50+ occupational licensing boards. Compilation and publication of the NCAC is mandated by G.S. 150B-21.18. NCAC is located on the web at [http://ncrules.state.nc.us/ncadministrativ\\_/default.htm](http://ncrules.state.nc.us/ncadministrativ_/default.htm).
- 4.8. NCGS—North Carolina General Statutes—the laws of the state. Public health laws are located in the publication, Public Health and Related Laws of North Carolina, NCDHHS, Division of Public Health, 2002; and on the web at <http://www.ncleg.net/gascripts/statutes/statutes.asp>.
- 4.9. Ordinance—Ordinances are local rules adopted by the Board of County Commissioners. They cover animal control, subdivisions, cable TV, noise, land use, manufactured homes, solid waste, erosion control and many other issues. Buncombe County ordinances are located at <http://www.buncombe.org/>
- 4.10. Regulating and advisory agencies—Agencies that are created by a governing body to recommend best practices for Public Health or are charged with interpreting and enforcing Public Health law. Examples: NC Department of Health and Human Services, Centers for Disease Control and Prevention
- 4.11. Workforce—The agency staff. Employees, volunteers, trainees, students, and other persons whose actions, in the performance of work for BCDH are under direct control of BCDH, whether or not they are paid by the BCDH.

### 5.0 Responsibilities

- 5.1. The Health Director, Managers and Supervisors will ensure development of policies, procedures and/or task outlines for effective and efficient service delivery within the scope of the most current public health laws and regulations.
- 5.2. The workforce must follow laws, established guidelines, and consistent procedure in order to assure that the public receives fair, efficient, and effective services.
- 5.3. The Health Director or designees will consult legal counsel such as the Buncombe County attorney, the NC Attorney General or the University of North Carolina School of Government whenever legal assistance is indicated to interpret laws and rules.

### 6.0 Procedure

- 6.1. The Buncombe County Health and Human Services Board will set public health policy and rules and guide decision making related to public health practice, as required by NCGS 130-A, Article 2.
- 6.2. BCDH observes applicable laws and regulations when dispersing and utilizing funds that support public health programs. Examples include: (NCGS 159, NCGS 130A, Article 1; 10A NCAC 45A, 10A NCAC 46; NC Session Law 2001-424), ( NC Division of Medical Assistance eligibility policy)
- 6.3. BCDH and the Health and Human Services Human Resources Program follow the requirements of applicable laws, and licensing and certifying bodies for the process of hiring, training, and ensuring the credentials and competence of the public health workforce. (Examples: NCGS 90, NCGS 90A, NCGS 126, NCGS 130A; 25 NCAC Chapter 01, 21 NCAC; Buncombe County Personnel Ordinance)
- 6.4. BCDH will ensure that confidential information is protected and public information is available when requested. (Examples of documents that address confidentiality and public record are 45 CFR Parts 160 and 164, the HIPAA Privacy Rule; NCGS 130A, NCGS 122C, NCGS 132 various chapters of 10A NCAC) (NC Health Information Management Legal Reference Manual)
- 6.5. BCDH will ensure adherence to non-discrimination regulations so that no person, on the grounds of race, color, national origin, sex, religion, marital status, immigration status, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. (Title VI and Title VII of the Civil Rights Act of 1964) (Title II of the Americans with Disabilities Act 1990) (Age Discrimination Act of 1975) (Section 504 of the Rehabilitation Act of 1973) (Title IX of the Educational Amendments of 1972) Fair Labor Standards Act, and Title IV-Welfare Reform Act and subsequent legislation.
- 6.6. BCDH will ensure the safety and well being of the workforce. (Occupational Safety and Health Act, 29 CFR Part 1910) (13 NCAC 7A & 7F)
- 6.7. The workforce utilizes laws, including NC Accreditation for local health departments ( 10A NCAC 48A) , rules, manuals and other applicable publications, in providing essential public health services as outlined in 10A NCAC. See Appendix 1.

### 7.0 Legal Authority

- 7.1. Legal authority and references are listed throughout the policy

Policy and Procedure  
BUNCOMBE COUNTY HEALTH AND HUMAN SERVICES/DEPARTMENT OF HEALTH

Title: Observing Laws and Regulations Utilized to Support Public Health	Policy #:1000-56	Revision #: 5	Page 3 of 4
---	------------------	---------------	-------------

Appendix 1-Policy 1000-56 Observing Public Health and Related Laws and Regulations

Public Health Practices in North Carolina  
Resources for the Buncombe County Department of Health Workforce

The list of statutes, rules, resources and manuals below is not a complete listing of all available information and regulations. The most current version of the references, manuals and websites listed should be used.

- (1) Health Support:
  - (a) Assessment of health status, health needs, and environmental risks to health; (NCGS 130A-1.1)  
Buncombe County Community Health Assessment Report
  - (b) Patient and community education;  
Guidelines & Resource Materials for SIDS Grief Counselors, NC Department of Environmental Health & Natural Resources
  - (c) Public health laboratory support for essential public health services ;( NCGS 130A-88 through 89; 10A NCAC 42) (42CFR Part 493, Fed. Reg. Vol. 68 and Vol. 16) (Federal Clinical Laboratory Improvement Amendment (CLIA)  
Laboratory Procedure Manual, federal government)
  - (d) Registration of vital events; (NCGS 130A, Article 4; 10ANCAC 41H)
  
- (2) Environmental Health (NCGS 130A ; 15A NCAC Subchapter15A)  
Rules Governing The Sanitation Of Restaurants And Other Food Handling Establishments 15A NCAC 18a .2600  
Rules Governing The Sanitation Of Bed And Breakfast Homes 15A NCAC 18A .2200  
Rules Governing The Sanitation Of Summer Camps 15A NCAC 18A .1000  
Rules Governing The Sanitation Of Lodging Establishments 15A NCAC 18A .1800  
Rules Governing The Sanitation Of Meat Markets 15A NCAC 18A .2700  
Rules Governing The Sanitation Of Hospitals, Nursing Homes, Rest Homes, And Other Institutions 15A NCAC 18A .1300  
Rules Governing The Sanitation Of Child Care Centers 15A NCAC 18A .2800  
Rules Governing The Sanitation Of Residential Care Facilities 15A NCAC 18A .1600  
Rules Governing The Sanitation Of Public, Private And Religious Schools 15A NCAC 18A .2400  
Rules Governing The Sanitation Of Local Confinement Facilities 15A NCAC 18A .1500  
Rules Governing The Sanitation Of Adult Day Service Facilities 15A NCAC 18A .3300  
Rules Governing Public Swimming Pools 15A NCAC 18A .2500  
Rules Governing Tattooing  
Rules Governing The Sanitation and Protection Of Water Supplies 15A NCAC 18A .1700  
Well Construction Standards Subchapter 2C Section .0100  
Laws And Rules For Sewage Treatment, And Disposal Systems,  
Munsell Soil Color Charts
  - (a) Lodging and institutional sanitation; (NCGS 130A, Article 8)
  - (b) On-site domestic sewage and wastewater disposal; (NCGS 130A, Article 9)
  - (c) Water and food sanitation and safety:
    - (i) Public water supply safety;
    - (ii) Private water supply sanitation;
    - (iii) Milk sanitation; (NCGS 130A-274 through 279)
    - (iv) Shellfish sanitation;
    - (v) Public swimming pool sanitation; (NCGS 130A-280 through 282)
    - (vi) Food sanitation; (NCGS 130A-235 through 259)
    - (vii) Mosquito Control (NCGS 130A, Article 12)
  
- (3) Personal Health: (NCGS 90-171.20(7))  
Public Health Nurse Manual, NCDHHS  
NC Breast and Cervical Cancer Program Policy and Procedure Manual, NCDHHS  
Pharmacy Laws of NC, NC Board of Pharmacy/August 2002 (21NCAC 46) (CFR 21 Chapter 11 Part 1300)

Policy and Procedure  
BUNCOMBE COUNTY HEALTH AND HUMAN SERVICES/DEPARTMENT OF HEALTH

Title: Observing Laws and Regulations Utilized to Support Public Health	Policy #:1000-56	Revision #: 5	Page 4 of 4
---	------------------	---------------	-------------

Medicaid Manuals, NCDHHS, Division of Medical Assistance

- (a) Child health: (NCGS 130A, Article 5, Article 18; 10A NCAC 43D (WIC), 10A NCAC 43E) (Section 17 (a), Public Law 95-627, Child Nutrition Amendment of 1978.)  
NC WIC Program Manual, DHHS  
Breastfeeding Promotion of Support Guidelines for Healthy Full Term Infants, NCDHHS  
Problem Oriented Health Record Child Health Training Book; Division of Public Health  
Child Care Sanitation: Facilities Practice and Procedure, NC Department of Environment and Natural Resources  
Child Care Handbook Division of Child Development  
Program Regulations for Head Start & Early Head Start Manual
  - (i) Lead poisoning prevention; (NCGS 130A-131.7 through 131.9) NC Childhood Lead Screening and Follow-up Manual, NC Department of Environment and Natural Resources
  
- (b) Chronic Disease Control: (NCGS 130A, Article 7)
  - (i) Early detection and referral;
  - (ii) Patient education;
  - (iii) Chronic disease monitoring and treatment;
  
- (c) Communicable Disease Control: NCGS 130A, Article 6; 10A NCAC 41A)  
Control of Communicable Diseases Manual, American Public Health Association  
NC Communicable Disease Manual, NCDHHS
  - (i) Tuberculosis control (10A NCAC 41A & 41E; NC TB Policy Manual, NCDHHS  
Immunization; (NCGS 130A-152 through 158; 10A NCAC 41A)  
Manual for the Surveillance of Vaccine Preventable Diseases, DHHS  
Epidemiology and Prevention of Vaccine Preventable Diseases, CDC  
Health Information for International Travel, CDC
  - (iii) Epidemiological investigation, surveillance and general communicable disease control; (NCGS 130A-134 through 138)
  - (iv) HIV/STD control; Sexually Transmitted Diseases Treatment Guidelines, CDC  
Rabies control; (NCGS 130A-184 through 201; 10A NCAC 41G)
  
- (d) Family Planning: NCGS 130A, Article 5; 10A NCAC 43A & 43D; 42CFR Part 59  
Program Guidelines for Project Grants for Family Planning Services, USDHHS, (Title X Manual)  
Women's Health Resource Manual, NC DHHS
  - (i) Preconception counseling;
  - (ii) Contraceptive care;
  - (iii) Fertility services;
  
- (e) Health Promotion and Risk Reduction:
  - (i) Lifestyle behavior modification;
  - (ii) Injury control (10A NCAC 41B)
  - (iii) Nutrition counseling; (NCGS 130A-361; 10A NCAC 43D)  
Bright Futures In Practice: Nutrition, USDHHS
  
- (f) Maternal Health Services: (NCGS 130A, Article 5; 10A NCAC 43B, 43C, 43D)(1986 SOBRA)  
Women's Health Resource Manual, NCDHHS
  
- (g) Public Health Emergencies:
  - (i) Terrorist event (NCGS 130A-475 through 479; 10A NCAC 41A)  
Buncombe County Emergency Operations Plan, BC Office of Emergency Preparedness  
Buncombe County Department of Health Emergency Response Plan