

1 AN ACT relating to directors and commissioners of public health departments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 212.420 is amended to read as follows:

4 The director of health ~~may~~^{shall} be a physician, qualified as a public health
5 administrator ~~[as provided by standards set up by the secretary of the Cabinet for Health~~
6 ~~and Family Services of Kentucky and duly qualified]~~and licensed or eligible for license
7 as a medical practitioner in the Commonwealth of Kentucky, ***or may be a nonphysician***
8 ***with a minimum of a master's degree in public health or a related field and at least five***
9 ***(5) years of experience in a management capacity with a health department. The***
10 ***director of health shall be appointed by the mayor, and***~~[He]~~ shall receive an annual
11 salary of five thousand dollars (\$5,000), payable as other salaries are paid, and shall serve
12 at the pleasure of the board. If said director of health is removed by the board, ***he or she***
13 shall be notified thereof in writing, and before such removal shall become effective said
14 director shall have ten (10) days within which to make a written request for a public
15 hearing in regard thereto. The board shall not be required to hold a hearing unless so
16 requested by said director. If no such request is made said removal shall become effective
17 upon the expiration of said ten (10) day period. If such request is made said public
18 hearing shall be held at the office of the board within ten (10) days after such request is
19 received by the board, and said director shall not be removed until after such hearing has
20 been held, and a decision rendered by the board. The board's decision shall be final.

21 ➔Section 2. KRS 212.635 is amended to read as follows:

- 22 (1) The board shall appoint a commissioner for the department with the qualifications
23 specified and subject to the provisions set forth under subsection (3) of this section.
- 24 (2) The board shall hear and decide appeals from rulings, decisions, and actions of the
25 department or commissioner, where the aggrieved party makes a written request to
26 the board within thirty (30) days after the ruling, decision, or action complained of.
- 27 (3) The commissioner ~~may~~^{shall} be a physician, qualified ***as a***~~[by training in public~~

1 health, ~~preventive medicine and~~ public health administrator~~administration~~ and
2 ~~[duly qualified and]~~ licensed or eligible for a license as a medical practitioner in the
3 Commonwealth of Kentucky, or may be a nonphysician with a minimum of a
4 master's degree in public health or a related field and at least five (5) years of
5 experience in public health or related field. The commissioner of the health
6 department~~[He]~~ shall receive an annual salary as prescribed by the board subject to
7 the provisions of the department's merit system, payable as other salaries are paid,
8 and shall serve at the pleasure of the board. If the commissioner is removed by the
9 board he or she shall be notified in writing. Before his or her removal shall become
10 effective, the commissioner shall have fourteen (14) calendar days within which to
11 make a written request for a hearing. The board shall not be required to hold a
12 hearing unless so requested by the commissioner. If no such request is made the
13 removal shall become effective upon the expiration of the fourteen (14) day period.
14 If a request for a hearing is made the hearing shall be held at the office of the board
15 within fourteen (14) calendar days after the request is received by the board. The
16 commissioner shall not be removed until after a hearing has been held if requested
17 and a decision rendered by the board. The board's decision shall be final.

18 (4) The commissioner shall ~~devote his entire time to the duties of his office, which~~
19 ~~shall include teaching, research, service and administrative duties, and shall not~~
20 ~~engage in the private practice of medicine. He shall~~ serve as secretary to the board
21 and keep full minutes of the proceedings of the board. The commissioner shall be
22 the chief administrative officer of the department. The commissioner may employ
23 and fix the compensation of, by contract or otherwise, all medical, technical,
24 clerical, professional, and other employees necessary for the maintenance and
25 operation of the department in accordance with the merit system as established by
26 the board.

27 ➔Section 3. KRS 212.790 is amended to read as follows:

- 1 (1) The board shall appoint a district director of health for the department as set forth in
2 this section.
- 3 (2) The district director of health may be a physician, qualified as a~~by training in~~
4 ~~public health, preventive medicine and~~ public health
5 administrator~~administration,~~ and licensed or eligible for practice as a medical
6 practitioner in the Commonwealth of Kentucky, or may be a nonphysician with a
7 minimum of a master's degree in public health or a related field and at least five (5)
8 years of~~years~~ experience in a management capacity with a health department. The
9 district director of health shall receive an annual salary as prescribed by the board,
10 subject to the provisions of the department's merit system, and shall serve at the
11 pleasure of the board. If the district director of health is removed by the board, he or
12 she shall be notified in writing, and within fourteen (14) days may make a written
13 request for a hearing. If no request is made, the removal shall become effective
14 upon the expiration of fourteen (14) days. If a request for hearing is made, the
15 hearing shall be held at the office of the department within fourteen (14) calendar
16 days after the request is received by the board. The district director of health shall
17 not be removed until after a hearing has been held, and a decision rendered by the
18 board. The board decision shall be final.
- 19 (3) The district director of health shall serve as secretary to the board of health, the
20 chief administrative officer of the department, and may employ and fix
21 compensation of, by contract or otherwise, all employees necessary for the
22 maintenance and operation of the department in accordance with the merit system
23 as established by the board.
- 24 ➔Section 4. KRS 212.350 is amended to read as follows:
- 25 (1) In each county of the Commonwealth of Kentucky in which there is located a city
26 of the first class or a consolidated local government, there is hereby created a board
27 of health which board shall be a body politic and corporate, and shall be known as

1 the "... (name of city of the first class) and (name of county) or (name of the
2 consolidated local government) County Board of Health" hereinafter called the
3 "board," which board shall have jurisdiction throughout such county, including all
4 municipalities in said county with respect to and in accordance with the provisions
5 of KRS 212.350 to 212.620. Wherever the words "city" and "mayor" are used in
6 KRS 212.350 to 212.620 they shall mean such city of the first class or consolidated
7 local government, and the mayor thereof. Said board may, in its corporate name,
8 sue and be sued, contract and be contracted with, and acquire real, personal and
9 mixed property by deed, purchase, gift, devise, lease, condemnation, or otherwise,
10 and dispose of same; and may make appropriate rules and regulations and do all
11 things reasonable or necessary effectively to carry out the work and properly to
12 perform the duties intended or required by KRS 212.350 to 212.620. When and
13 after the board herein created is organized as herein provided, and except as
14 otherwise provided by law, said board shall succeed to and be vested with all of the
15 functions, obligations, powers, and duties now being exercised by the county board
16 of health, any department of public health, and by any board of tuberculosis
17 hospital in such county; and thereupon the board of health and the department of
18 health and the board of tuberculosis hospital shall cease to exist, and all laws and
19 amendments of said laws, relating to and governing the aforesaid county board of
20 health, department of public health, and board of tuberculosis hospital, in conflict
21 with the provisions of KRS 212.350 to 212.620, shall, to the extent of such conflict,
22 stand and be repealed.

23 (2) Notwithstanding KRS 212.350 to 212.625, when a city of the first class and a
24 county containing such city have in effect a compact under KRS 79.310 to 79.330,
25 the county and such city of the first class shall agree that the county shall provide
26 all staff support, including a director of health **with the qualifications specified and**
27 **subject to the provisions set forth in Section 1 of this Act,** to the board of health

1 through county officers, assistants, clerks, deputies, and employees. In such case,
2 all officers, employees, and staff of the board of health and the department of health
3 shall be deemed county employees, and shall be subject to the control of fiscal
4 court. At the time the compact takes effect the officers, employees, and staff of the
5 board of health and the department of health shall be transferred to the service of
6 county government; provided that all such employees who at such time are in the
7 classified service shall be continued in a classified service administered by county
8 government. All functions, obligations, powers, and duties now vested in the board
9 of health shall continue to be vested in the board unless changed by ordinance of
10 the fiscal court of such county. Upon the establishment of a consolidated local
11 government in a county where a city of the first class and a county containing that
12 city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330,
13 the requirements of this subsection pertaining to county government shall be
14 assumed by the consolidated local government.