

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting an Ordinance)
Establishing a Review Procedure for) ORDINANCE No. 2014-6
Public Health Decisions)
_____)

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2014-6. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be known as the "Columbia County Public Health Decision Review Ordinance".

SECTION 2. AUTHORITY.

This Ordinance is adopted under the authority of ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to establish a review procedure to address concerns and complaints of individuals or entities affected by acts or omissions of the Local Public Health Authority.

SECTION 4. HISTORY.

ORS 431.375(2) designates counties, or health districts established under ORS 431.414, as the local public health authority responsible for management of local public health services within their boundaries. ORS 431.375(2) further provides for counties to contract with a non-profit corporation to act as the local public health authority. The County has established community public health programs for residents of Columbia County, and desires to continue such programming. The County contracted with the Columbia Health District from March 20, 2002, through June 30, 2011, to provide the services and perform the duties of the Local Public Health Authority. The Columbia Health District is now dissolved and the County has entered into a contract with the Public Health Foundation of Columbia County, a private non-profit corporation, to act as the Local Public Health Authority. As a condition of funding public health services in the County, the State of Oregon requires that the County establish a review procedure by which individuals or entities affected by actions or omissions of the Local Public Health

Authority may, in appropriate circumstances, bring matters to the attention of the County for review and relief, where appropriate.

SECTION 5. ADOPTION.

The Columbia County Public Health Appeal Procedure Ordinance, which is attached hereto, labeled Exhibit "A" and is incorporated herein by this reference, is hereby adopted.

SECTION 6. SEVERABILITY.

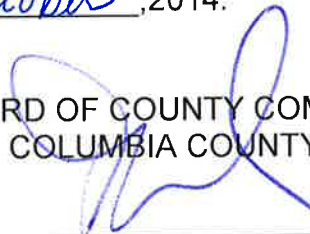
If any provision of this Ordinance, including Exhibit "A", is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 7. EMERGENCY.

This Ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately.

DATED THIS 1st DAY OF October, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Henry Heimuller, Commissioner

By: 
Earl Fisher, Commissioner

Attest:

By: 
Recording Secretary

Approved as to form

By: 
Office of County Counsel

First Reading : 10-1-14
Second Reading : 10-1-14
Effective Date : 10-1-14

EXHIBIT "A"

Columbia County Public Health Decision Review Ordinance

Adopted by Ordinance No. 2014-6

SECTION I. Definitions.

- A. "Appellant" means a person or entity affected by a Public Health Decision.
- B. "Local Public Health Administrator" means the person appointed by the County to act as the Local Public Health Administrator in accordance with ORS 431.418 and OAR 333-014-0070(1).
- C. "Public Health Decision" means a final written decision of the Local Public Health Authority addressing a complaint or concern of individuals or entities affected by actions or omissions of the Local Public Health Authority. Public Health Decision does not include:
 - 1. A policy decision of the Local Public Health Authority regarding the services provided to the public in compliance with state or federal public health laws or otherwise.
 - 2. Decisions related to Local Public Health Authority personnel.
 - 3. Enforcement proceedings in State, Federal or Justice Court, or proceedings subject to the Administrative Procedures Act, ORS 183.411 to 183.470.

SECTION II. APPEAL PROCEDURES.

- A. A Public Health Decision shall be final at the end of seven (7) calendar days following the date notice of the decision is mailed to the Appellant unless a notice of appeal of the Public Health Decision is filed with the Board of County Commissioners. A copy of the notice of appeal must also be filed with the Local Public Health Authority. The notice of appeal shall be in the form which is attached hereto and is incorporated herein by this reference, or its equivalent. The notice of appeal shall contain:
 - 1. The name, address, and telephone number of the person filing the notice;
 - 2. An identification of the decision sought to be reviewed, including the date the decision was made; and
 - 3. The specific reason why the decision should be modified or reversed.
 - 4. HIPAA compliant waiver/release for County review of protected health information.

- B. Appeals of the Local Public Health Authority shall be to the Board of County Commissioners.
- C. Any person or entity affected by a Public Health Decision may appeal the decision to the Columbia County Board of County Commissioners according to the following procedure.
1. Upon receipt of a Notice of Appeal a hearing shall be scheduled before the Board of County Commissioners at the earliest opportunity.
 2. The Local Public Health Administrator shall notify Appellant of the date and time set for the hearing.
 3. The Local Public Health Administrator shall forward to the Board of County Commissioners copies of all evidence and testimony relevant to the Public Health Decision at least one week prior to the hearing.
- D. Hearing Procedure.
1. The hearing will be held during a regular public meeting.
 2. The hearing will begin with a staff report from the Local Public Health Administrator and any necessary staff from the Local Public Health Authority. The Appellant may then address the Board with evidence and testimony supporting Appellant's position. A list of witnesses must be provided at least two days in advance. The Board of County Commissioners may ask Appellant and/or the Local Public Health Administrator clarifying questions at any time during the proceedings.
 3. At the conclusion of the hearing the Board of County Commissioners may carry over the matter for consideration at a later date.
 4. Final Decision. The Board of County Commissioners will issue a written decision upholding or dismissing the Appeal. The decision will not be final until signed and mailed to the Appellant at the address provided and to the Local Public Health Administrator.
 5. A hearing shall be conducted as a quasi-judicial hearing. Review of a Final Decision shall be solely and exclusively by Writ of Review as provided in ORS 34.010 through 34.100 in the Circuit Court of the State of Oregon for Columbia County, located in St. Helens, Oregon.