



# GENESEE - ORLEANS COUNTY HEALTH DEPARTMENT

## By-Laws of the Board of Health



Adopted 07/21/15

### **ARTICLE I - NAME OF BOARD**

The name of this Board shall be the Genesee - Orleans County Board of Health.

### **ARTICLE II – MEMBERSHIP**

The Members of the Board of Health shall consist of a total of seven (7) members, one (1) of whom shall be a member and appointed by the Orleans County Legislature, one (1) of whom shall be a member and appointed by the Genesee County Legislature, three (3) whom shall be physicians licensed to practice medicine in the state, two (2) members shall represent a discipline relative to the public health field.

The members of the Board of Health shall be residents of Genesee or Orleans County.

Each county shall have a minimum of three (3) members appointed at any given time.

The members of the Board of Health shall be appointed by both the Genesee and Orleans County Legislatures.

Three (3) unexcused absences shall constitute resignation from the board. Excused absences shall be defined as a phone call prior to the meeting to the Secretary or President describing a reasonable need to miss the meeting.

The Public Health Director will be an ex-officio member, who shall not have voting privileges, but will represent the Genesee and Orleans County Health Departments as the Departmental Head at board meetings.

### **ARTICLE III - PURPOSE**

The organization of this Board is defined in Public Health Law Section 343 of the State of New York.

### **ARTICLE IV - POWERS AND DUTIES OF THE BOARD**

The powers and duties of the Board are set forth in New York State Public Health Law Section 347, 352, and 324.

### **ARTICLE V – OFFICERS AND TERMS OF OFFICE**

The term of office of each appointed member of the Board of Health shall be six (6) years, except that the term of office of the representative members of the Genesee and Orleans County Legislatures shall be for one (1) year or the legislative term.

Vacancies on the Board of Health shall be filled by the recommendation of the Board of Health and appointed by the Genesee and Orleans County Legislatures. The newly appointed member shall affirm their Oath of Office to the Board of Health and the People of Genesee and Orleans County before attending their first BOH meeting.

The officers of the Board shall be President, Vice President and Secretary. Their duties shall consist of those listed below.

**Duties of the President:** The President shall be empowered to preside at all meetings of the Board of Health. He/she will also be the presiding officer at any public hearings called on behalf of the County Board of Health, unless he/she chooses to delegate this responsibility to the Vice President, or to another member of the Board of Health. The President is empowered to call special meetings of the Board of Health at his/her discretion. It is the responsibility of the President to ensure all members receive a copy of the Genesee - Orleans County Board of Health By-Laws.

**Duties of the Vice President:** The Vice President shall be empowered to act in place of the President in the conduct of regular or special Board of Health meetings at the designation of the President. When so empowered, he shall have full responsibility and prerogatives as the President for the time so empowered. In the event of the official removal of the President from the Board of Health for some reason, as by death or resignation, the Vice President will automatically assume the office of the President of the Board of Health for the remainder of the President's term of office.

**Duties of Secretary:** The Public Health Director shall designate a secretary from health department staff. The said person is to attend BOH meetings and be responsible for recording of the minutes and correspondence of the BOH according to New York State Open Meetings Law. The secretary to the BOH will also be responsible for the distribution of minutes to all health department staff and retention of said minutes for period of at least three (3) years.

Legal action to remove: In the event the demeanor of an Officer in performing the duties of his/her office is such as to make his continuance in this office unwise, and not in the best interests of the Board of Health, he/she may be asked to voluntarily resign and failure to resign may result in an Article 78 Court Action seeking their removal.

All officers shall assume office immediately following elections and serve for a term of one (1) year, or until their successors have been elected and qualified to take office.

These officers shall be elected annually by the Genesee - Orleans County Board of Health at their first meeting of the year (reorganizational meeting).

## **ARTICLE VI - MEETINGS – QUORUM**

Meetings shall be held bi-monthly in the Health Department offices, 3837 West Main Street, Batavia NY or 14012 Route 31 West, Albion, New York. Each year, the first meeting shall be considered the reorganizational meeting where elections and the bi-monthly meeting day and time will be decided (any change in day and time must be unanimous by all board members).

Should no meeting be called, pertinent Board of Health reports and other matters of business may be circulated by mail or otherwise for approval. Upon return of notification of approval from a quorum, the Secretary will so instruct the President of the Board of Health that the Public Health Director has been authorized to proceed as though a formal meeting has been held.

All meetings shall be Public Meetings pursuant to the New York State Open Meetings Law, the provisions of which provide for and describe the procedures for conduct of Executive Session if necessary.

Special meetings may be called only by the President of the Board of Health on petition of any member of the Board or the Public Health Director, or his/her designate in the event of his/her absence. Such special meetings will require a written notice to each member of the Board of Health as to purpose of the meeting and who shall receive notice at least three (3) days prior to the date of the special meeting.

Four (4) members shall constitute a quorum.

Each of the seven (7) members of the BOH shall have one vote on all matters appropriate for consideration by the membership.

Approval of new policies and procedures, including but not limited to, special appointments, the hiring/removal of the health director and adoption/modifications of local sanitary codes, will require a 2/3 majority vote of the Board.

## **ARTICLE VII - OPERATION AND RESPONSIBILITIES**

The policy of the Board is promulgated by the enactment of a Sanitary Code for Genesee and Orleans Counties. The Board also subscribes to all requirements of the Board mandated by Public Health Law.

Amendments made obligatory by the law of New York State, pertaining to Public Health, or an enactment by and in the New York State Sanitary Code, shall be considered as adopted, and thereby a part of these By-Laws.

The enforcement of the County Sanitary Codes, all mandates subscribed to the Board, and all other requirements set down by the Genesee - Orleans County Board of Health, is the responsibility of the Public Health Director of the Counties of Genesee and Orleans. The Public Health Director is empowered by the Board to enforce any and all provisions of the County Sanitary Code, New York State Public Health Law, New York State Sanitary Code (NYSSC), mandates of the New York State Commissioner of Health, subscribed to by the Board of Health, and resolutions of the Genesee -Orleans County Board of Health. It is also the policy of the Board of Health to solicit a voluntary compliance with such codes, mandates or resolutions by those subject to their provision.

It is further the policy of the Board that in the event of failure of voluntary compliance to the Genesee and /or Orleans County Sanitary Code, or Public Health Law, the Board will hold Administrative Hearings to require compliance where necessary. It is further the policy of the Board that the Public Health Director may exercise all rights granted him/her under New York State Public Health Law to ensure compliance with any and all provisions of the County Sanitary Code, or applicable New York State Public Health Law, by either Criminal or Civil procedures, or both.

The BOH shall appoint one or more hearing officers as may be necessary to carry out its functions and duties. The Hearing Officer shall have the same powers possessed by the BOH to hold and conduct meetings. The Hearing Officer shall function under the supervision of the BOH and shall make findings of fact and recommendation to the Board of Health.

The BOH may prescribe and impose penalties for the violation of, or failure to comply with, any of its orders or regulations, or any of the regulations of the State Sanitary Code, to be sued for and recovered by it in any court or competent jurisdiction.

The Board is charged with final legal authority and responsibility for the Licensed Home Care Services Agency (LHCSA). The Board shall approve protocols and practices of the above program as set forth in the New York State Public Health Law and Federal Code Regulations. The responsibility under these programs shall include, but not be limited to, the following:

- 1) Appointment of a qualified administrator.
- 2) Approving all appointments to the Quality Improvement Committee/Quality Assurance Committee (QIC/QAC) as proposed by the Public Health Director.

- The BOH shall appoint a Quality Improvement Committee/Quality Assurance Committee consisting of seven (7) members including, one (1) physician, two (2) nurses, and four (4) community members with at least one with an understanding of Health Department Services. The QIC/QAC reports to the BOH to ensure the development of a continuous quality assessment and improvement program and the adoption and approval of amendments to written policies and procedures. The QIC/QAC shall review all complaints. The QIC/QAC shall meet quarterly.
- The QIC/QAC will prepare and submit a written summary of clinical records reviewed of the safety, adequacy, type and quality of services provided and policies pertaining to the delivery of the health care services provided by the agency and recommend changes in such policies to the governing authority for adoption.

Licensed Home Care Services Agency Program: The Board of Health has adopted Part 766 of Title 10 of the State of New York Official Compilation of Codes, Rules and Regulations as applicable to the organization, administration and operation of the above programs. This adoption shall include subsequent changes and amendments as promulgated under Part 766 of Title 10 of the State of New York Official Compilation of Codes, Rules and Regulations.

The BOH has the responsibility for the management and operation of the Genesee and Orleans County Health Departments and to ensure compliance with all applicable Federal, State and local statutes, rules and regulations and ensure prompt submission of all records.

To assist the governing authority with executing the responsibility specified in ARTICLE VI, the governing authority shall appoint a Public Health Director, who is responsible for the day to day management of the agency. This appointment shall be made in accordance with Part 11 of Title 10 of the State of New York Official Compilation of Codes, Rules and Regulations.

Additionally, this BOH shall advise the Public Health Director on all matters relating to the promotion of the security of life and health within Genesee and Orleans Counties.

### **ARTICLE VIII - RESPONSIBILITY OF THE PUBLIC HEALTH DIRECTOR TO THE BOARD**

It is the responsibility of the Public Health Director to keep the Board of Health advised at regular intervals of the activities of the County Health Department, preferably but not necessarily exclusively, at Board of Health meetings. He/she shall submit such written/verbal reports of Departmental activity as may be required by the Board. These reports shall indicate the activity of the Department in exercising control in all areas of responsibility as charged through the Public Health Law mandates of the State Health Commissioner, or requirements of the County Sanitary Code, or resolutions of the Board, so as to permit the Board an assessment of the adequacy of its policies and the effectiveness of the Department of Health in carrying out its required duties.

The Public Health Director shall invite, on a rotating basis, appropriate health department staff to attend meetings and report activities, budgetary concerns and annual reviews.

It is the policy of the Board to encourage as complete and frank communication between the Public Health Director or his/her Division leads and the Board of Health as is practical to insure the continuance of an intensive effort towards the maintenance and improvement of the health of the residents of the Counties of Genesee and Orleans.

### **ARTICLE IX - RECORDS**

The Board must keep a record of all its proceedings.

### **ARTICLE X - COMPENSATION**

BOH members shall be offered \$20.00 for their full attendance at each BOH meeting, monthly meeting refreshments and an annual dinner meeting at a location in either county.

### **ARTICLE XI - RULES OF ORDER**

The deliberations of the Board shall be governed by parliamentary usage as contained in Robert's "Rules of Order" when not in conflict with the laws of the State of New York or the New York State Sanitary Code.

### **ARTICLE XII - AMENDMENTS TO THE BY-LAWS**

A proposed change to the By-Laws may not be moved for adoption by the Board of Health in less than 30 days after notification to Board members. Any amendment to the By-Laws may be made only by an action in a regular meeting of the Board of Health. Adoption of any change in the By-Laws requires a 2/3 majority of appointed Board members approval before it may be duly constituted as a revision of the By-Laws.

**Reviewed and approved by:**

**Genesee/Orleans BOH: Adoption of all current policies – 09/15/15**

**Genesee/Orleans Counties:**

**Staff:**                      **QIC/QAC:** 01/10/18                      **BOH:** 02/06/18

**Staff:** 5/30/19              **QIC/QAC:** 06/19/19                      **BOH:** 08/06/19