

# **CAPM Procedure and Sample Letters Regarding Local Health Officer Vacancies and Duties**

Approved by CAPM Board, October 2001

## **PROCEDURE**

The California Academy of Preventive Medicine (CAPM) supports physician leadership in the public health infrastructure. Therefore, when it appears that a non-physician will be considered for a vacant local health officer position, or a local health officer's ability to fulfill his/her duties is threatened, CAPM will take the following steps:

1. Send a letter directly to the local Board of Supervisors or City Council reminding it of legal requirements (e.g., hiring a full time physician as health officer) and CCLHO recommendations (e.g., allocating sufficient resources). See "Sample Letter #1" below.
2. Send a letter to the county medical society affected. The letter will urge the society to pressure the local Board of Supervisors or City Council to support the role of physicians as health officers. See "Sample Letter #2" below.
3. Request that the California Medical Association send letters to the local Board of Supervisors or City Council and to the county medical society affected supporting letters "1" and "2" above.

## **SAMPLE LETTER #1: TO THE CHAIR OF A BOARD OF SUPERVISORS**

RE: LOCAL HEALTH OFFICER FOR \_\_\_ COUNTY

Dear \_\_\_:

The California Academy of Preventive Medicine is the state organization for physicians who specialize in public health and preventive medicine. The Academy has learned that your County has had an interim local health officer for many months.

The Academy respectfully urges your County to hire a full-time public health physician as permanent local health officer. We recommend this action for two reasons: (1) legal requirements, and (2) the scope of the health officer role.

### **Legal Requirements**

Section 101005 of the California Health and Safety Code states "The county health officer shall be a graduate of a medical college of good standing and repute."

Section 1300 of Title 17 of the California Code of Regulations specifies that the health officer must be a physician eligible for a California medical license. Section 1250 specifies that "The health department shall be under the direction of the health officer devoting full time to official

duties and these duties shall constitute his primary responsibility and no other activities shall interfere with performance of his official duties." Section 1256 permits exemptions only for counties with fewer than 25,000 population. Copies of the above sections are in Enclosure A.

### **Health Officer's Role**

The local health officer is a county official with many state-mandated responsibilities for protecting the public health. Part of this role is to provide counsel and directions to the Board of Supervisors and to keep the Board informed regarding health matters. To do this, the health officer needs immediate access to the Board to address important health issues. The health officer also needs adequate time, and sufficient resources and administrative support, to fulfill the many statutory duties.

Enclosure B for your consideration contains a statement by the California Conference of Local Health Officers on "Role of a Local Health Officer." Endorsed by our Academy's Board of Directors, this position paper clarifies the role of the health officer and helps delineate the appropriate range of flexibility a county may exercise in defining that role.

### **Offer of Assistance**

The Academy is prepared to provide further advice and consultation to your Board of Supervisors, your Chief Administrative Officer, the Director of your Department of Health, or any other interested parties, on this important matter. Please let us know how we may be of service or if you have any questions.

Sincerely, \_\_\_\_, M.D.  
20xx-20xx President, California Academy of Preventive Medicine

Enclosures:

- A. Excerpts from Title 17, California Code of Regulations
- B. Statement on "Role of a Local Health Officer" from April 2000 CCLHO Platform Statement

cc: Executive Vice President, California Medical Association  
California Conference of Local Health Officers (electronically at [cclho@dhs.ca.gov](mailto:cclho@dhs.ca.gov))

### **SAMPLE LETTER #2: TO THE EXECUTIVE DIRECTOR OF A COUNTY MEDICAL SOCIETY**

RE: LOCAL HEALTH OFFICER FOR \_\_\_\_\_ COUNTY

Dear \_\_\_\_:

The assistance of the \_\_\_\_ Medical Society is requested to join the California Academy of Preventive Medicine in urging \_\_\_\_ County to properly fill its county health officer position. The

health officer must be a full-time, qualified physician who will have authority for public health functions and political access to the Board of Supervisors.

Title 17, California Code of Regulations, requires the health department of every county with a population of 25,000 or greater to be under the direction of a full-time physician health officer. Following Dr. \_\_\_'s recent departure, \_\_\_ County took the unprecedented step of appointing its non-physician deputy health director, \_\_\_, to be director of the department. This may have precedent-setting effects on other counties for years to come, which causes us concern.

The county is now in the process of deciding on the conditions of hire and duties of a physician health officer. Your medical society's influence will be of immense value in guaranteeing that vital public health functions such as communicable disease control and maternal and child health, and all medical and public health nursing functions, remain under the line authority of the physician health officer. Furthermore, your help can assure that the health officer has a full-time, secure civil service position, and that reporting to a non-physician department director will not block the health officer from directly addressing the Board of Supervisors or interfere in any way with carrying out the myriad responsibilities assigned to the health officer by the Health and Safety Code and by California public health regulations.

In 1995, the California Medical Association adopted a policy that asks county medical societies "to intervene with their County Boards of Supervisors or City Councils when their local health officer positions are vacant, urging that these positions be filled with qualified physicians, and that the local health officer's authority over public health functions be maintained as consistent with California regulations." I have enclosed a copy of this policy as well as a related 1993 policy for your reference.

Enclosed is a copy of a letter that the Academy sent to your Board of Supervisors; however, we do not know whether our suggestions will be adopted. Independent expressions of concern by your society as a whole or by its individual physicians to the Board of Supervisors or any other interested parties could be useful. Please let me know if you have any questions or concerns.

Sincerely, \_\_\_, M.D.

20xx-20xx President, California Academy of Preventive Medicine

Enclosures:

- Letter to Chair of Board of Supervisors (with its Enclosures)
- 1993 and 1995 Policies Adopted by the CMA on Physician Health Officers

cc: Executive Vice President, California Medical Association

## **1993 AND 1995 POLICIES ADOPTED BY THE CALIFORNIA MEDICAL ASSOCIATION ON PHYSICIAN HEALTH OFFICERS**

Source: CMA Web site (<http://www.cmanet.org>) as of June 2001

### **Physician Health Officers**

HOD 206-93

Source: House of Delegates

Resolved #: 1

Policy:

CMA reaffirms its strong support for the role of physician health officers in California.

Resolved #: 2

Policy:

CMA encourages county medical societies to be available to local health officers to address issues of access to their Boards of Supervisors and to support maintenance of sufficient resources for performing the health officer's duties.

### **Local Medical Societies and Health Officers**

HOD 113-95

Source: House of Delegates

Resolved #: 1

Policy:

CMA recommends that each local medical society in California grant ex-officio status (voting as a local option) to the local physician health officer on its governing council or board. Each local society should request the local health officer to give an annual or periodic community health status report to the society, itemizing health problems facing the local jurisdiction, and their impact upon the community.

Resolved #: 2

Policy:

CMA urges local medical societies to intervene with their County Boards of Supervisors or City Councils when their local health officer positions are vacant, urging that these positions be filled with qualified physicians, and that the local health officer's authority over public health functions be maintained as consistent with California regulations.