



BOH Organization Guide: Foundation

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the steps needed currently to organize a Massachusetts Board of Health. The checklist is designed to be used in tandem with the **BOH SOP and Appendices**. BOXES CAN BE CHECKED WITH the CURSOR.

<input type="checkbox"/> BOH Foundation		
<input type="checkbox"/> BOH Members <ul style="list-style-type: none"> <input type="checkbox"/> Elected or appointed, powers and duties are the same. <input type="checkbox"/> Check Town or City Charter for any regulations related to BOH/Board appointments or elections. <input type="checkbox"/> Usually 3 – 5 members. 		
<input type="checkbox"/> BOH Terms <ul style="list-style-type: none"> <input type="checkbox"/> Serve until term ends (usually 3 years) or resignation is accepted. <input type="checkbox"/> Can only be removed for cause if appointed; unclear if removal is possible if elected, even for cause. <input type="checkbox"/> Take Conflict of Interest Test annually. <input type="checkbox"/> Sign Open Meeting Law Acknowledgement. 		
<input type="checkbox"/> BOH Powers <ul style="list-style-type: none"> <input type="checkbox"/> Extensive powers come directly from the State. <input type="checkbox"/> Must follow due processes and legal procedures: <ul style="list-style-type: none"> <input type="checkbox"/> Civil Rights Laws; Conflict of Interest Laws. <input type="checkbox"/> Trespass Laws – get administrative warrants if access denied. <input type="checkbox"/> Open Meeting Law. <input type="checkbox"/> Not subject to HIPPA unless providing/paying for medical services. <input type="checkbox"/> BOH can operate independently from Town/City. <input type="checkbox"/> Can pass reasonable local regulations that have the force of law. <input type="checkbox"/> Powers stop at town lines unless properly appointed in the receiving town even with Mutual Aid Agreements. <input type="checkbox"/> All BOH members/staff covered for liability by municipality, whether part-time or full-time, volunteer or paid, elected or appointed, except in extreme cases (assault, Civil Rights violations, corruption, etc.). <input type="checkbox"/> Only the Board of Health can appoint Health Agents; municipality can appoint inspector/code enforcement officer. 		
<input type="checkbox"/> BOH Mission/Responsibilities <ul style="list-style-type: none"> <input type="checkbox"/> Ensure wellness and the prevention of disease and injuries. <input type="checkbox"/> Prioritize community health versus individual health. <input type="checkbox"/> Set BOH Policies. <input type="checkbox"/> Ensure all State and local regulations/laws are enforced fairly. <input type="checkbox"/> Educate first, enforce last. <input type="checkbox"/> Provide variances as appropriate after due deliberation at a public BOH meeting to mitigate manifest injustice. 		
<input type="checkbox"/> BOH Record Keeping <ul style="list-style-type: none"> <input type="checkbox"/> Keep all final/original records in a safe place at Town/City Hall. <input type="checkbox"/> Need permission from Secretary of State Records Office to destroy files (See BOH Structure checklist). <input type="checkbox"/> May discard notes and recordings used to make the official record. <input type="checkbox"/> Complaints should be logged in a bound Complaint Book or computer that dates; investigate within 24 hours <input type="checkbox"/> Ongoing investigations may be kept private until the investigation is complete, then the files become public record. <input type="checkbox"/> Emails (Town or personnel) used for BOH business are public record; subject to public access. Only use a BOH email <input type="checkbox"/> Public has right to access all BOH records, except medical info and current investigations. 		
<input type="checkbox"/> BOH Required Duties: <ul style="list-style-type: none"> <input type="checkbox"/> Monitor Diseases; use MAVEN daily <input type="checkbox"/> Emergency Preparedness/Response <input type="checkbox"/> Environmental Health Services <input type="checkbox"/> Record Keeping <input type="checkbox"/> Enforce Laws/Regulations <input type="checkbox"/> Set Policies; Monitor Staff <input type="checkbox"/> Follow-up on Complaints/Nuisances <input type="checkbox"/> Retail Food Establishment <input type="checkbox"/> Recreational and Family Camps <input type="checkbox"/> Septic systems under 10,000 gpd 	<input type="checkbox"/> Public/semi-public pools, spas <input type="checkbox"/> Public/semi-public beaches <input type="checkbox"/> Private water supplies; wells <input type="checkbox"/> Private/public housing, inns, labor camps, shelters, etc. <input type="checkbox"/> Septage and garbage haulers <input type="checkbox"/> Disease vectors/ harborage <input type="checkbox"/> Clean air and safe noise levels <input type="checkbox"/> Indoor Ice Rinks <input type="checkbox"/> Hazardous/Medical wastes <input type="checkbox"/> Beavers; Rabies; Animal Insp.	<input type="checkbox"/> Smoking; smoke free workplace <input type="checkbox"/> Death; Burial Certificates/Reports usually assigned to Town Clerk <input type="checkbox"/> Body Art; Tanning; Bath Houses <input type="checkbox"/> Solid wastes; site assignments; Transfer Station <input type="checkbox"/> Misc. licensing/permitting funeral directors, kennels, subdivision plan reviews, emergency school pesticide permits, outdoor air hazards with DEP, utility shut-offs for non-payments, fluoridation, vaccination, milk plants/raw milk farmers, cold storage facilities, indoor air quality, site assignments for cemeteries, and noisom trades such as piggeries and slaughter houses.

BOH Budgets

- No power to spend money, except as granted by Town budget process
- Municipality may set up revolving fund to pay inspectors/agents or other costs.

BOH Trainings

Required

- NIMS 700; ICS 100 <https://training.fema.gov/nims/> (please report certificate to BCBHOA)
- Conflict of Interest Certification: <https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees>
- Food Safety training (such as ServSafe) if doing any Food Establishment inspections
- Soil Evaluator (if granting variances)
- MAVEN Training if using the MAVEN disease reporting system

Recommended

- BOH Orientation Class (BCBOHA, MHOA)
- Local Public Health Institute (LPHI) Foundations Course
- MA Public Health Inspector Training (PHIT) Housing Course (if doing housing inspections)
- MA Public Health Inspector Training (PHIT) Food Course (if doing food inspections)
- MA PHIT Wastewater
- System Inspector Certification (if doing Title 5 witnessing or approvals)
- BCBOHA Septic Installer Certification (if approving plans)
- LPHI On-line modules
- BCBOHA Temporary Food Training
- Mass Virtual Epidemiologic Networking (MAVEN) Training
- Certified Pool Inspector / Certified Pool Operator (if inspecting pools)



BOH Organization Guide: Policies

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Policies – to consider

Powers and Duties

- Policies Folder/Duties List kept, ensuring BOH/staff know BOH policies, duties, responsibilities and any limits to authority.
- Policies can be suspended to achieve maximum feasible compliance or to mitigate manifest injustice.
- Designate 1 Person to sign Permits/Certificate of Compliance (CoC) such as: Health Agent; BOH Chair: BOH Clerk.
- Designate persons with access to BOH files such as: Health Agent/Inspector, BOH, BOH Clerk, another Town Employee.
- BOH Members doing inspections are considered Inspectors/Agents acting on behalf of the BOH.
- Health Agents/Inspectors may be paid a monthly wage for services vs fees per inspection; reduces potential conflicts.

BOH Service Fees

- Fees Schedule will be approved annually by the BOH. Fee schedules may require approval by the Selectboard/Mayor/Manager. Consult the Town/City Charter or Bylaws.
- Minimum estimated fees should be pre-paid when the Application is submitted, or inspection/witnessing is scheduled.
- Additional Fees may be owed, depending the fee schedule/ time spent. Remainder of payment due within 30 days.
- Inspectors/Agents do not accept cash fees. Cash accepted at Town Hall.
- Receipts are always given for cash payments.
- Inspectors/Agents do not collect fees in the field.

Public Access to Files

- Public access to files will be supervised at all times.
- Original Documents may not leave Town Hall. Most documents essentially kept forever. Permission needed to destroy.
- A fee based on the lowest cost employee with access may be charged for researching/copying files (Fee Schedule).
- Public may need to complete a Document Application Request Form to request documents.

Issuing Permits

- All permit applications reviewed/approved by designated, trained, certified, knowledgeable person before permit issued.
- Designate a backup person to sign permits/CoC.
- Minimum Standards for issuing a permit.
 - Application (1 electronic; 1 paper) submitted signed; minimum fees paid.
 - At the discretion of the permit issuer, a full application may not be required for a simple septic pipe repair or change to a menu, though fees may be charged
 - All files are public record, except medical information and ongoing investigations.
 - Plans/drawings signed & received (1 electronic copy; 1 paper copy).
 - All essential sections are properly completed.
 - Knowledgeable Person-in-Charge is listed.
 - Affidavit signed attesting that no back taxes/fees are owed.
 - Workman's' Comp Insurance attached, or Affidavit signed that none required.
 - Application reviewed and approved by Health Agent/RS/trained inspector.
 - Any required variances/upgrade approvals approved by Agent/BOH as per BOH policy.
 - Authorized person issues permit number, notes on # on Permit Log, adds expiration date, signs, sends out.
 - Any changes noted in property file folder. All copies of Application/Permit/CoC put in To-Be-Filed Box.

Issuing Certificates of Compliance (CoC)

- All fees must be paid, and a Permit issued, if required
- All required paperwork, letters and certifications must be received.
 - Title 5 CoC requires approval letters from the engineer, installer, as-built ties and a BOH inspection report.
- All documents must be reviewed/approved by Health Agent/Inspector; Property/Owner is in substantial compliance.
- CoC issued, signed, sent. Copy placed in To-Be-Filed Box to be put in the Facility Folder.

Misc.

- HIPPA does not apply to BOH unless paying/providing medical services.
- Never discuss personal medical information in a BOH meeting as it then becomes public record.
- BOH/staff are mandatory Reporters for evidence of child/elder abuse.
- Property owners are always the responsible party with few exceptions. Tenants or neighbors who have contributed to a violation can also be held responsible and ordered to remediate.



BOH Organization Guide: Structure

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BOH Structure

Annual Organizational Meeting

- Hold properly posted meeting annually after elections or appointments are completed.
- Current Chair or most senior BOH member call meeting to order
- Quorum must be present (50% or more of entire board)
- Nominations accepted by Meeting Chair
- Voting is usually oral, but may be written
- Majority elects BOH Chair and Vice Chair; Meeting minutes reflect the votes taken.

Open Meeting Law

- All BOH meetings with a quorum present must be run in accordance with Open Meeting Law
- Meetings must be properly posted according to municipal procedure, at least 48 hours in advance
- If a hearing is scheduled, abutters and interested parties should be informed.
- Agenda must adequately reflect any items that are reasonably anticipated at the time of posting
- Public should be given an opportunity to speak in the front of the meeting; however, the BOH is not obligated to respond at that time, nor is the public permitted to speak during the rest of the meeting without explicit permission from the Chair.
- Written minutes should be taken, and publicly posted once approved at the next meeting.
- Anyone may attend a public meeting, and may tape or video that meeting, as long as it is not disruptive.
- Disruptive members of the public may be ejected or banned from meetings.

Duties of the BOH Chair

- Runs BOH meetings or delegates someone to run the meetings.
- Chair of Meetings decides the rules of order. Often it is Roberts Rules of Order, but this can be changed by the Meeting Chair at any time.
- Approves BOH Meeting schedule
- Approves BOH Meeting Agenda before posting
- Ensures annual budget is approved by BOH and submitted/approved
- Ensures annual BOH staff reviews/evaluations are completed
- Monitors BOH activities so that State mandates are met
- Acts as BOH Spokesperson to speak to the public/media on behalf of the BOH or delegates this.

Conflicts of Interest and Liability

- Abutting properties/business relationships are always considered potential conflicts for BOH members, staff.
- BOH Agents/Inspectors that are not employees should be appointed Special Municipal Employees by the Town.
- BOH Members are considered Town Employees for liability purposes as long as they are acting in good faith and within the scope of their duties.

BOH Health Agent

Appointment of Health Agent

- Health Agents may only be appointed at a BOH meeting, with approval of a majority of the board.
- Appointment should be noted in BOH meeting minutes.
- BOH may appoint multiple Health Agents or an entity (like BPHA).
- BOH may appoint BOH Members/Staff as Health Agents.
- Health Agents should be appropriately trained, certified and knowledgeable.
- BOH may restrict Health Agent powers and duties, and limit the appointment in length of time (e.g., one year).
- Inspectors appointed by City/Town authority do not have full BOH powers unless also appointed by the BOH.

Duties of Health Agent

- Acts on behalf of the BOH, including acting in emergencies. All Health Agent actions are subject to BOH review.
- Have almost all BOH power unless specifically restricted, except the power to appoint Health Agents or spend money without authorization.
- May issue orders, permits and certificates of compliance unless restricted by the BOH.



BOH Organization Guide: File Tracking

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Scheduling Inspections and Witnessing

Scheduling Options – ideally choose one method only:

- Fees:** remind Applicant that minimum/base fees should be paid when scheduling or before the inspection date.
- Paper Application Only to BOH.**
- Online Only.**
- Call or Email:**
 - BOH Office only, call or email.
 - BOH Inspector, with permission of the BOH and Inspector
 - Alliance Health Agent, with permission of the BOH and Agent

Scheduling Policies

- Scheduler maintains a list of the Inspector/Agents contact information
- Scheduler maintains a copy of the current BOH Fee Schedule
- Scheduler should note the request in the **Daily Log**
 - Name
 - Contact information, including phone number and email
 - Site location
 - Requested dates/times
- Minimum Fee should be paid when scheduling; before the inspection date

Logs and Records

Work Logs

- Each person doing work for the BOH should keep a Daily Log of major actions, issues, inspections, miles driven, pending work requests, etc.
- Only use a BOH email for all work-related issues; all emails are public record.

Files

- Files are public record. Reasonable access required. Fees can be charged.
- Files/documents may not be destroyed without State Sec. permission.
- Create a separate file folder for each property and business regulated by the BOH. Assessors may print labels.
- File by Address: all property related items like Title 5, wells, housing
- File by Name: all businesses like restaurants, fairs, installers/haulers
- Attach to the front of current work files an **Active File Checklist**
 - Start date
 - Current Item/Issue/Complaint
 - Application date
 - Plan date;
 - Fee amt./date
 - Person assigned to review/date
 - Inspection/Witness Date
 - Missing items list
 - Follow up date
 - Resolution
 - Unique permit #/date issued; expiration date
 - C of C date issued/expiration: (Expiration Dates: Title 5 Inspection/CoC, 2 yrs. unless pumped in 3rd yr.; DWCP, 3 yrs., may be renewed for fee; Temp Food up to 6 mo.; Food, Camps, Wells up to 1 year, may be renewed for an additional fee.
- Local Regulations File** stamped by Town/City Clerk, arranged by type/name.
- Minutes File** for posted Agenda and approved, signed Minutes by date
- Information File** on all core BOH duties by name (Food; Title 5; Housing; Pools; Camps; Wells; Beaches; Misc.)
- Complaints File:** original complaint must be logged in a bound book or date stamped computer file. Complaints may be anonymous. Investigation must begin within 24 hours.