

Duties of a Town Health Officer: THO 101



Meg McCarthy Environmental Health Division

Training Topics

- 1. Basics of public health & Health Department
- 2. What is a Town Health Officer?
- 3. What are public health hazards?
- 4. Understanding the job of Town Health Officer
- 5. What to expect
- 6. Enforcing public health laws
- 7. What goes into a Health Order?

What is Public Health?

"Public health is the system that works to protect and promote the health of citizens. It is the science and art of preventing disease, prolonging healthy life and promoting physical and mental health."

- Dr. Mark Levine, Commissioner of Health

Medical Care vs. Public Health

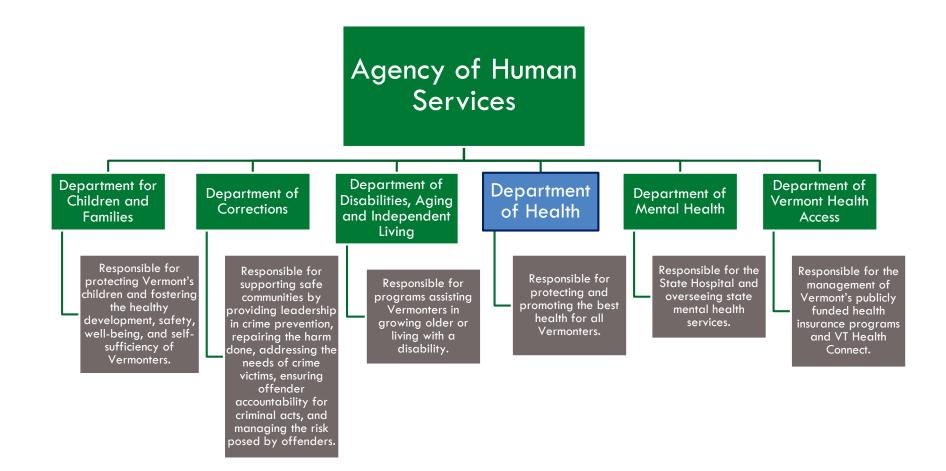


A physician focuses on an individual's care and treatment.

 Public health focuses on the health of an entire population using evidence-based prevention models.



Health In Vermont



The Vermont Department of Health

- We focus on prevention, which is perhaps the best investment that can be made in health.
- We educate and inform Vermonters about eating a healthy diet, regular exercise and not smoking.
- We promote and improve access to immunizations, mammograms, HIV/AIDS testing and care, and prenatal care.
- We license physicians and hospitals, inspect food and lodging establishments, and enforce health regulations.
- We prepare for and respond to public health emergencies and threats, and provide the public with information to help them stay safe and healthy.



Mission

Protect and promote the best health for all Vermonters

Environmental Health Division

- Lead & Asbestos
- Healthy Homes
- Private Drinking Water
- Radon
- School Environmental Health
- Recreational Water
- Food & Lodging
- Radiological Health
- Toxicological Health
- Public Health Tracking



What is a Town Health Officer



Unpacking the THO Statute

Vermont State Statute Title 18, Chapter 11 § 602a. Duties of local health officers

(a) A local health officer, within his or her jurisdiction, shall:

(1) upon **request of a landlord or tenant**, or upon receipt of information regarding **a condition that may be a public health hazard**, **conduct an <u>investigation</u>**;

(2) enforce the provisions of this title, the rules promulgated, and permits issued thereunder;

(3) **prevent, remove, or destroy any public health hazard, or mitigate any significant public health risk** in accordance with the provisions of this title;

(4) in consultation with the Department, take the steps necessary to enforce all orders issued pursuant to chapter 3 of this title.

(b) Upon discovery of violation or a public health hazard or public health risk that involves a public water system, a food or lodging establishment, or any other matter regulated by Department rule, the local health officer shall immediately notify the Division of Environmental Health. Upon discovery of any other violation, public health hazard, or public health risk, the local health officer shall notify the Division of Environmental Health within 48 hours of discovery of such violation or hazard and of any action taken by the officer. (Added 1985, No. 267 (Adj. Sess.), § 19; amended 2017, No. 188 (Adj. Sess.), § 4.)

Local Health Officer Appointment

"The commissioner shall appoint, upon recommendation of the selectmen, a local health officer for each town or city..." 18 V.S.A. § 601(a)

- Every three years:
 - VDH sends a letter to town clerk to inform THO of end of term
 - Selectboard or city council must recommend a THO for appointment
 - Town completes the Recommendation Form and the Oath/Affirmation for THOs and returns to VDH
 - THO is appointed by Commissioner and sent a certificate from VDH

Deputy Health Officers

- Towns are encouraged to appoint additional Health Officers, called Deputy THOs
- Same authority and appointment process as THO
- □ No limit on how many
- Can share duties, cover when the THO is unavailable, or step in during conflicts of interest

VERMONT DEPARTMENT OF HEALTH	FOR OFFICE USE ONLY Beginning Date: Expiration Date: Resignation Date: Entered:				
Deputy Town Health Officer Recommendation Form					
This is a: New Appointment	Re-appointment				
Is a resignation letter needed from previous Health Officer?					
Start Date: Town/Municipality:					
County: Full Name:					
Home Delivery Address: (DO NOT USE the Town Clerk Office or a Business for your Home Address)					
Street Address for UPS Deliveries:					
Email Address:					
Telephone(s): W: H:	Cell:				
Education: High School College Other (list)					
Professional Degree:(e.g. MD, RN, DVM, I	DDS) Occupation:				
Please give a brief statement noting why the select board believes the recommended individual will make a good Health Officer:					
Signed:					
Chair of the Local Board of Health Board Meeting Date					
Print Name:					
Return completed recommendation form to: VT Department of Health / Environmental Health 108 Cherry Street • PO Box 70 Burlington, VT 05402					

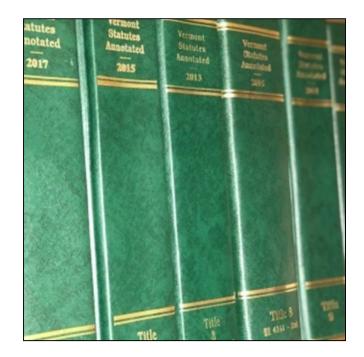
Ending a Commission

- A THO's term automatically ends after 3 years
- The town may recommend the current THO, or appoint someone new
- A term may be ended by a THO early, with the submission of a letter (or email) of resignation to his/her selectboard and the Department of Health
- THOs can be removed "for cause"
- The selectboard chair will automatically assume the duties if a new THO is not appointed

What does a THO do?

- A Town Health Officer:
 - Conducts inspections on complaints of <u>public health</u> <u>hazards</u>
 - Conduct inspections on <u>rental</u> <u>housing</u> complaints
 - Work towards <u>voluntary</u> <u>compliance</u>
 - Issue <u>Health Orders</u> & <u>Emergency</u>
 <u>Health Orders</u>

18 VSA Chapter 11



Understanding Public Health Hazards

"...potential harm to the public health by virtue of any condition or any biological, chemical, or physical agent." 18 V.S.A. § 2 (9)

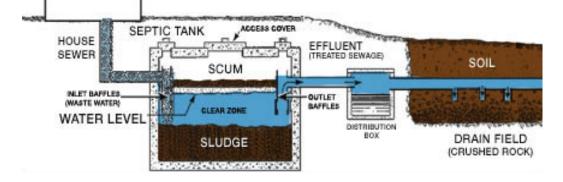
Factors to Consider

- 1. Number of people at risk
- 2. Characteristics of the person or people at risk
- 3. Characteristic of the condition or agent that is the source of potential harm
- 4. Availability of private remedies
- Geographical area and characteristics of the location of the source of the potentially hazardous condition
- Department policy as established by rule or agency procedure

What does a THO encounter?

Septic Systems and Sewage

- Wastewater systems protect both humans and the environment by treating the wastewater (sewage) before it reaches groundwater or surface water.
- Nationally, 25% of homes are on septic systems, in Vermont it's closer to 55% of the population
 - Failed systems can cause public health concerns when the effluent reaches surface waters



How Systems Fail

- Poor site location (slowly permeable soil or high ground water table).
- Poorly designed (such as not large enough) to handle the amount of effluent being
- generated
- Poor construction (such as smearing the soil beneath the leachfield)
- Discharging more water to the system than the system is designed to dispose
- Improper disposal of fats, grease, oils, garbage disposals, and household chemicals down the drain
- Poor maintenance of the system (not regularly pumping the septic tank)
- Driving heavy equipment over the leach field
- Trees growing near the leach field (roots can clog or break piping materials)
- Construction near the leachfield that directs surface water to pond over the leachfield
- Flooding resulting in loss of coverage of drainage piping
- Extreme freezes resulting in frozen and cracked sewer lines

THO Role When a Septic System Fails

- Inspect immediately
- Look for backed up drains, foul odors, surfacing materials near the tank or drainage areas
- Check for brush piles, junk piles, compost piles or fresh piles of dirt or gravel near the septic system. These are sometimes used to cover up problems.
- Use dye tablets when needed
- Talk to system owner about required actions, which may include:
 - Having the septic tank pumped within 24 hours and monitored
 - Spreading lime and straw and put up temporary fencing around the area of surfacing sewage.
 - Contacting a professional engineer or licensed designer to assess and determine the repair necessary
- Contact Dept. of Environmental Conservation, Wastewater Management Division

Lead Paint

Lead poisoning, which can cause learning disabilities and behavioral problems, is 100% preventable

- Lead paint is presumed in pre-1978 buildings- under Vermont law
- VT requires annual Essential Maintenance Practices and landlords must submit annual compliance statements
- Abatement & renovation work must comply with both state and federal regulations



Essential Maintenance Practices

 For rental properties: contact VDH to determine if there is a current EMP compliance statement on file
 Inspect property for compliance with lead laws – do you see chipping or peeling paint?



- Notify property owner of any violations
- Require violations be corrected within 30 days

Unsafe Work Practices – Renovations

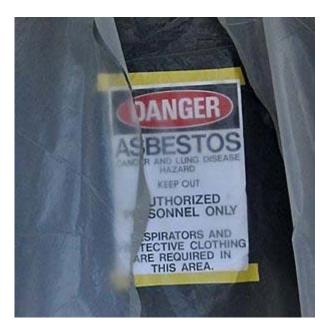
- Inspect property to determine if unsafe work practices, like dry sanding or scraping, are in progress
- Require that work, including cleanup, stop
- Notify VDH and property owner
- Require property owner to hire a licensed risk assessor

if more than 1 ft² of paint has been disturbed

Mandate proper cleanup



Asbestos



- Present in many products including insulation, roofing, and flooring materials.
- When disturbed during renovation or demolition, fibers are released, causing serious health effects after prolonged or acute exposures.
- THOs should contact VDH whenever they suspect they have encountered an issue dealing with asbestos

Animal Control

Rabies Hotline: 1-800-4-RABIES

- Work with law enforcement officers, game wardens, and humane society personnel to address issues of animal cruelty and possible rabies exposures
- All potential human rabies exposures must be reported to the THO within 24 hours
- THOs conduct an investigation, complete an Animal Bite Report, determine animal's vaccination status, and require any necessary quarantine and observation
- May also be asked to assist in cases of rabies exposure to domestic animals

	ONT Town H	lealth Officer Bite Report F	orm	AFFIX PATIENT LABEL HERE
Reporting Informat	tion			
Date of report:	_// T	own:	- F	Health Officer name:
Work phone: ()	Alterna	tive phone:	()
Person reporting bi	te: 🗌 Health c	are provider	eterinarian	Bite victim/parent or guardian
Reporter name:		Facility:		Phone: ()
Bite Victim Informa	ition			
Last name:		First na	me:	MI:
Street address:				Town:
State:		Zip:		Phone: ()
Sex: 🔲 Male 🗐	Female 🔲 No ansv	ver Age:		Date of birth://
Bite Information				
Date of bite:	// Whe	ere bite occurred:		Provoked bite? Yes No Unknow
Location of bite:	🗆 Leg 👘 🖬 H	iead 🔲 Torso	Arm	Hand/Finger Other:
Animal type:	🗆 Dog 📃 🖸	Cat 🗌 Cow	Horse	Sheep Ferret Unknown
	Raccoon S	ikunk 🔲 Bat	E Fox	Other:
Animal status:	Owned 9	Stray 🔲 Wild	Unknow	'n
If owned, owner	s name:		If ov	wned, animal's name:
Street address:			Tow	/n:
State:		Zip:	Ow	ner telephone: ()
Animal disposition:	10-day confiner	ment 🔲 Euthanized	and tested	At large/unavailable
Veterinarian name:		Facility:		Phone: ()
Has the animal rece	eived a rabies vaccin	e in the past?	Yes	🗆 No 🔲 Unknown
If yes, date	of last rabies shot:	//	Rabies Ta	g #:
Describe bite scena	rio:			
Action taken by He	alth Officer:			
		t animal bites to the		

Drinking Water

- Public water systems regulated by DEC
- □ 35-45% of Vermonters on well systems
- No testing requirements for private water, but VDH recommends annual testing
- THO's role is primarily in assuring that renters have access to safe water
- May also be contacted by DEC when a public systems must issue a boil advisory for the town





Recreational Water

- Vermont's natural waters all contain microorganisms which can make people ill
- THOs are sometimes asked to monitor beaches and water for E. coli, blue green algae/cyanobacteria, and other organisms
- Some towns do routine testing
- Guidance is available on VDH's website.



Air Contaminants

Indoor

- Carbon Monoxide
- Tobacco Smoke
- 🗆 Radon
- □ Mold
- Outdoor
- Illegal Burning
- □ Wood Boilers

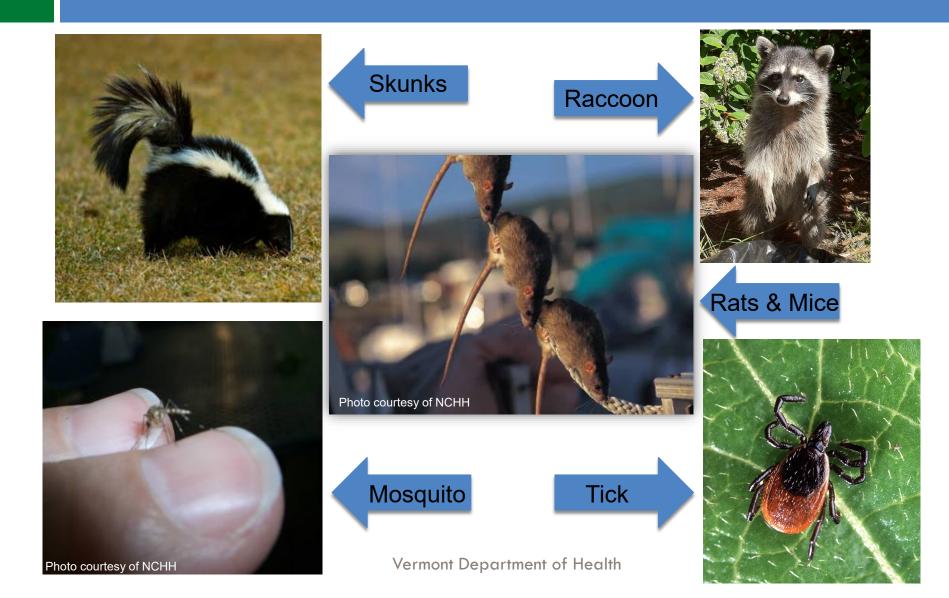






- THOs often receive calls concerning improper disposal of waste
- Often, DEC has jurisdiction over these issues
- DEC may also ask that THOs assist in an inspection
- The Rental Housing Health Code provides rules for garbage removal in rental properties
- Improper disposal of waste can lead to pest infestation, groundwater contamination, and health effects

Pests in a Community



Role of the Town Health Officer

 Pests may at times present a threat to the public health in a community

Excess garbage can often attract pest infestations

THO may need to inspect to determine whether there is a violation of the Rental Housing Health Code



Pesticide Use

- Pesticides are used in agricultural industries, homes, schools, and parks.
- Certain types of exposures to pesticides can cause health problems
- The Pesticide Program of the Vermont Agency of Agriculture, Food and Markets ensures that pesticides are properly used and sold throughout Vermont.
- They certify commercial and private pesticide applicators, and investigate pesticide complaints (e.g. improper application).



THOs should refer questions and complaints to the Agency of Agriculture

Enforcement of Public Health Laws

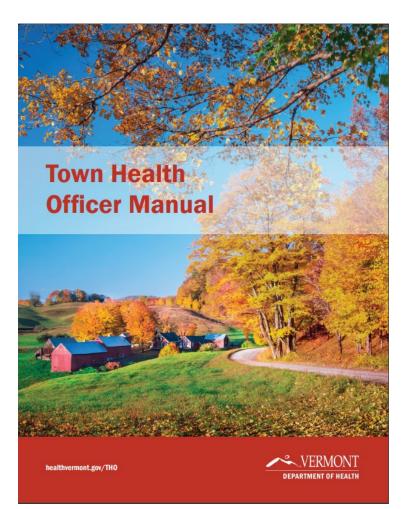
Compiling an Enforcement Report

- The best investigations
 have the best records
- Take detailed notes and keep track of all communications
- □ Take photos when possible
- Your records are public records, so keep them on file at the town offices



Supplies and Tools

- Notebook and pens
- □ Inspection forms
- Digital
 Camera/Camera
 Phone
- □ Computer access
- Contact list
- THO manual

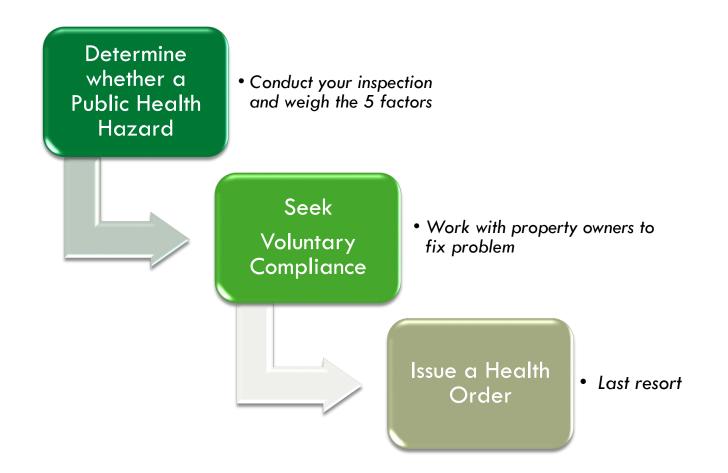


Evidence from Investigation

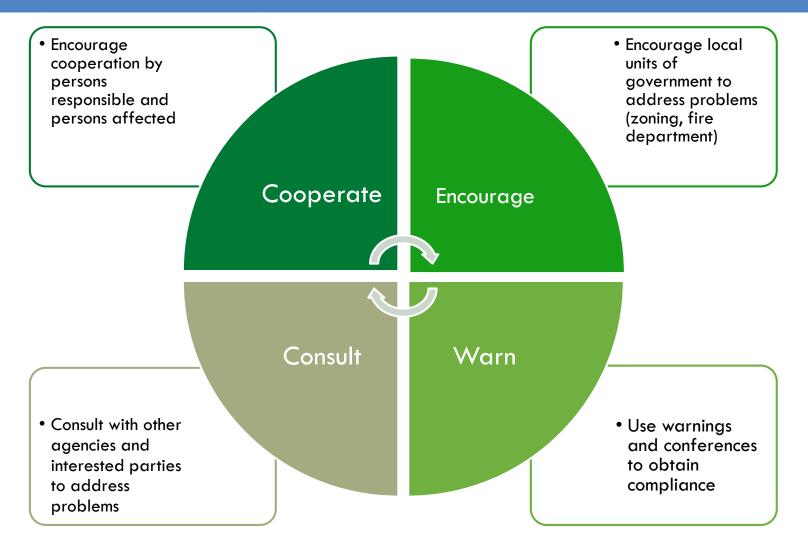
- Your investigative report should convey the story
- It should include the five W's, with the "What" being the biggest piece of your report: Who, What, When, Where, Why

VERMONT	Complaint Received By: Title/Program:			
	Date:			
DEPARTMENT OF HEALTH	Complainants Name, Address, & Phone #			
Town Health Officer				
Complaint & Inspection Form				
Owner Name, Address, & Phone Number:	Property Location:			
	Cher			
Reason for Complaint:				
Town:	Town Health Officer Name: Health Officer Deputy Health Officer Other			
Date of Inspection:	Type of Inspection: Initial Follow-up Last inspection date			
Inspection Observations:				
Overall Inspection Findings and Required Corrections:				
Required Compliance Date:	Follow-up Inspection Date Set:			
Referred to Other State Agency/Department or Other Organization: Yes No				
Details/Comments:				

Now What?



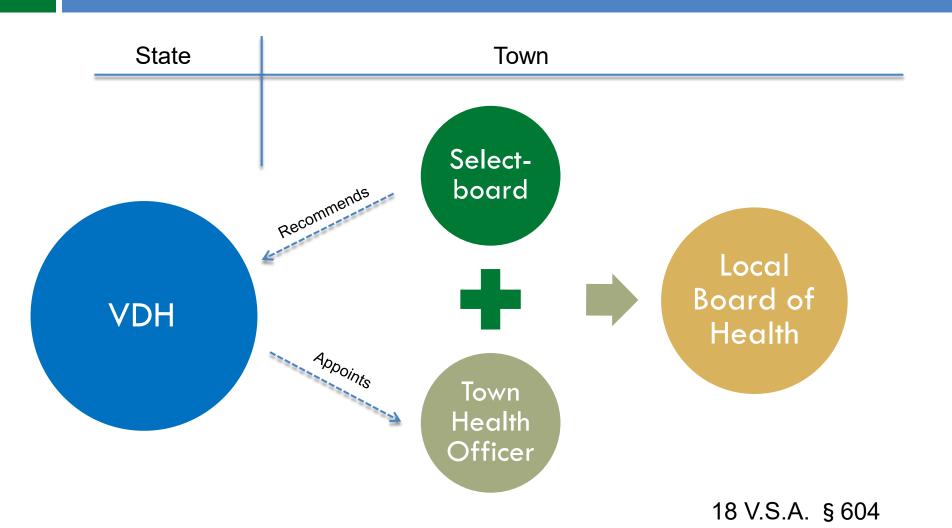
Achieving Voluntary Compliance





... when voluntary compliance can't be achieved

Structure Within a Town



You and Your Selectboard



- For most towns, the Local Board of Health is comprised of the town selectboard and the THO
- Some (ex: Burlington) have a standalone Board of Health
- The THO is the Chair of the Local Board of Health

- If they don't already exist, set up clear guidelines for how you will communicate and report back to your board on issues of public health
 - The town is responsible for reimbursing the THO expenses and for any legal costs associated with the job so discuss budget constraints <u>prior</u> to taking any action

Town Attorneys

- It is always a good idea to involve town attorneys as early on in the process as possible to ensure that health orders are issued properly.
- Speak with your selectboard <u>first</u> to get approval for legal fees.



Health Orders and Emergency Health Orders

- What is a health order for?
 - To prevent, remove or destroy any public health hazard
 - To mitigate a significant public health risk
 - To correct any violation of the laws of Title 18 of the Vermont statutes or violation of any rules promulgated by the Vermont Department of Health under those laws
 - To correct any violation of a permit restriction or requirement
 - See 18 V.S.A. § 126 (d)
- What is an emergency health order for?
 - A health officer may issue an emergency health order "when necessary to prevent, remove, or destroy an <u>imminent and substantial public health</u> hazard, or to mitigate an <u>imminent and substantial</u> significant public health risk."

Public Health Risk

□ 18 V.S.A. § 2(10) "Public health risk"

Means the probability of experiencing a public health hazard

□ 18 V.S.A. § 2(12) "Significant public health risk"

- Means a public health risk of such magnitude that the commissioner or local health officer has reason to believe that it must be mitigated.
- The magnitude of the risk is a factor of the characteristics of the public health hazard and the degree and the circumstance of exposure to such public health hazard

Issuing a Health Order: Overview

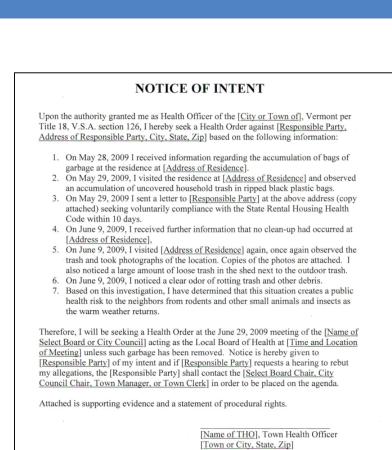
- □ THO completes investigation
- Serves individual with written statement of reasons for a health order together with the supporting evidence and a statement of procedural rights. 18 V.S.A. § § 126,127
- Health Order is in effect upon ruling from the Local Board of Health
- Emergency Order is in effect upon actual notice to the individual

Process: HO vs. EHO

Health Order	Emergency Health Order
Notice of Intent & Procedural Rights Issued	Health Order Issued
Opportunity for a Hearing	Notice & Procedural Rights Issued
Hearing	Opportunity for a Hearing
Health Order Issued	Hearing

Written Notice of Intent

- Informs responsible party that you are seeking a health order
- Includes:
 - Name and address of individual in violation
 - Relevant statutory and regulatory references
 - The investigation report
 - Why you are seeking a health order
 - Date when health order will go into effect
- Informs individual in violation of their right to request a hearing.



Statement of Procedural Rights

	Burlington Board of Health
	STATEMENT OF PROCEDURAL RIGHTS
suant	to 18 V.S.A. §§ 126 & 127, you are hereby notified of your rights.
1.	You may appeal a health order in writing to the Burlington Board of Health and be given the opportunity for a hearing, at which time you shall be given the opportunity to rebut the allegations upon which the order is based. You must appeal an emergency health order in writing within five (5) days from receipt of the order.
2.	You have the right to appeal any act, decision or order of the Burlington Board of Health to the State Board of Health.
3.	Your appeal to the State Board of Health must be made within 30 days of the act, decision, or order.
4.	The appeal hearing before the State Board of Health shall be subject to the provisions of 3 V.S.A., Ch. 25, the Administrative Procedure Act, relating to contested cases.
5.	The State Board of Health will hear your appeal de novo, that is, it will consider your case anew, and all persons and parties of interest, as determined by Board rule, may appear and be heard. A decision on your appeal will be made within 30 days following the conclusion of the hearing.
6.	You may appeal the decision of the State Board of Health to the Vermont Supreme Court.
7.	Failure to comply with the provisions of the Health Order issued by the Burlington Board of Health or the Emergency Health Order of the health officer may subject you to further legal action including civil enforcement of the order in the superior court and criminal penalties.

Needs to include the following:

- Statutory provisions
- The right to request a hearing.
- The right to appeal decision to Local Board of Health
- The right to appeal selectboard or Local Board of Health's act, decision or order to the State Board of Health within 30 days
- The right to appeal to the State Board of Health is subject to the Administrative Procedure Act, relating to contested cases

Statement of Procedural Rights (continued)

- They can present evidence at the hearing in front of State Board of Health
- If the State Board of Health finds against them, they have the right to appeal to the Vermont Supreme Court

Statement of Procedural Rights

You have a right to a hearing pursuant to 18 V.S.A. §126. A hearing will be scheduled upon request. Please contact Elisabeth Wirsing at the Vermont Department of Health. If Ms. Wiring does not hear from you within 15 days, the VDHFL will treat your lack of response as waiving your right to a hearing and the Health Order will be issued.

If you request a hearing, you will be given an opportunity to rebut the violations set forth in this Notice of Intent and demonstrate that the Health Order should not be issued. You have the right to bring an attorney and witnesses if you choose.

If you are not satisfied with the Commissioner's decision, you have the right to appeal that decision to the State Board of Health within 30 days. The appeal hearing before the State Board of Health shall be subject to the provisions of 3 V.S.A. Chapter 25, relating to contested cases.

If they fail to comply with the Health Order they may be subject to further legal action including civil enforcement of the order in superior court and criminal penalties



[Town Letterhead or Header]

[Town] Board of Health Public Health Order

Upon investigation of Health Officer _[THO name]_ and testimony provided at the hearing of _[hearing date], the _[town]_Board of Health finds the following:

Finding of Facts

- 1. [list relevant fact]
- 2. [list relevant fact]
- 3. [etc.]

Conclusion of Law

In accordance with state and local law, I am by this notice notifying you of the following determination:

A PUBLIC HEALTH HAZARD [OR RISK] EXISTS AT <u>[location address]</u>. Said hazard is in violation of <u>[list relevant statutory and regulatory provisions]</u>. [Provide any additional information or justification including what the impact to public health is or could be.]

Order

Therefore by the authority granted in 18 V.S.A. §126, 602a, it is hereby ordered.

- 1. ORDERED: [list required action]
- 2. ORDERED: [list any additional required actions and timelines]

Appeal Rights

[Either list procedural appeal rights or include attachment with "see attached" in this section.]

X

[Chairman, Board of Health]

Service of Notice of Intent

- Any questions you may have on service please contact your town attorney
- □ V.R.C.P. 4 requires the following for service:
 - Service of process is done by sheriff, constable or other person authorized by law
 - Service of the notice of intent, supporting evidence and the statement of procedural rights to:
 - The individual or
 - Leave a copy at the individual's dwelling house with an individual of suitable age and discretion who resides there; or
 - On individual's agent authorized by appointment or by law.







Hearing on a Health Order

- The hearing is held if requested, by the select board
- The individual who was served the Notice of Intent has the opportunity to rebut the allegations made and demonstrate that no Health Order should be issued.
- Select board issues the Health Order
- Health Order is in effect upon being issued by the Board.
- □ 18 V.S.A. 126



Enforcing a Health Order



 Civil enforcement of health orders at the county superior court is available if the individual doesn't comply. 18 V.S.A. § 130

Criminal penalties are also available if individual is not abiding by the health order. 18 V.S.A. § 131

Town Attorney would handle these steps

Statewide Emergency or Disaster

- 24 V.S.A § 2291(27) grants authority to "municipal building inspector, health officer, fire marshal, or zoning administrator" to declare a property "condemned to be destroyed" if...
 - Governor makes disaster or emergency declaration, and
 - Property has been damaged by the disaster or emergency, and
 - Property is dangerous to life, health, or safety due to the disaster related damage

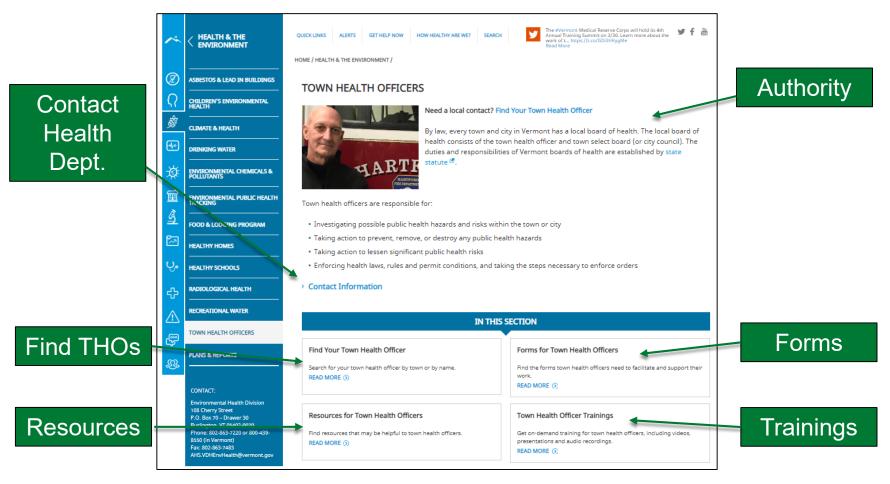
Emergency Condemnation

- Declaration provided by the state and posted online
- Property owners can appeal condemnation under 18 V.S.A. Chapter 83

Power of Municipalities, Subchapter 0 • When a disaster or emergence officer, fire marshal, or zonin been damaged in the disaster related damage. The owner of	unicipal and County Government, Chapter 11: Miscellaneous Regulatory Powers, § 22 y has been declared by the Governor, a mi g administrator may declare condemned f or emergency and is dangerous to life, he f property condemned under this subdivis property condemned under this subdivis on appeals procedure of chapter 83 of this 9 Civil Division.	 Enumeration of Powers micipal building inspector, health o be destroyed a property that has alth, or safety due to the disaster- on may appeal the condemnation 			
Municipality:	Inspector:				
Physical Address:	Title:				
Town and Zip Code:	ie: Phone Number:				
(9-1-1 Address) Street and Mailing Address City and Zip Code Address: City and Zip Code City and City Code City City City City City City City City					
Structural	Electrical / Heating	General / Health			
The structure <u>page</u> an immediate hazard to the public or public right of way. The structure has moved off of its foundation. Structural frame is twisted or damaged.	Electrical wiring has been submerged Furnace has been submerged	There is a fuel oil or other, hazardous spill There is significant mold			
	Damage Information (): Date of Inspection (n Flood Flood and Wind Seismic _ er" is selected):				
	Percent DamagedRoof: Exterior Finish: Interio	or Finish: Doors & Windows:			

Additional Information

http://healthvermont.gov/tho



Thank you for all your hard work!

If you have any additional questions or concerns, please contact

Vermont Department of Health Division of Environmental Health

Weekdays Call toll-free 800-439-8550 Monday – Friday, 7:45 am to 4:30 pm

After-hours, weekends and holidays Call the Duty Officer at 802-864-7240 or toll-free 800-640-4374

Email marielle.strong@vermont.gov_to join the listserv!