SB128

DEZJHHH-1

By Senator Melson

RFD: Healthcare

First Read: 20-Feb-24

SYNOPSIS:

Under existing law, the Medical Association of the State of Alabama is the State Board of Health, and the State Committee of Public Health is comprised of 12 members of the board of censors of the Medical Association of the State of Alabama and the chairs of four specified health-related councils.

In practice, the entity known as the State Board of Health has minimal duties other than to hold an annual meeting. In its stead, the State Committee of Public Health carries out the duties and functions of the state's public health laws through a body corporate referred to as the Alabama Department of Public Health.

This bill would abolish the State Board of Health and would confer all duties and authorities provided by law to the State Committee of Public Health.

This bill would revise the membership of the State Committee of Public Health to include four physician members appointed by the Medical Association of the State of Alabama, six physician members appointed by specified specialty medicine organizations, and the Governor and the Commissioner of Agriculture and Industries or their designees, in addition to the chairs of the four specified

health-related councils.

Under existing law, the State Committee of Public Health appoints the State Health Officer, who oversees the public health laws and, among other duties, is authorized to take prompt measures to prevent the spread of infectious diseases.

This bill would set minimum qualifications for the position of State Health Officer.

This bill would authorize the Governor, Lieutenant Governor, Speaker of the House of Representatives, or the President Pro Tempore of the Senate to petition the State Committee of Public Health to review certain actions taken by the State Health Officer in certain circumstances and provide a mechanism for discipline, including removal, of the State Health Officer by the State Committee of Public Health.

This bill would authorize the Governor to approve or deny certain actions proposed by the State Health Officer, and would prohibit certain general emergency rules, orders, and other directives issued by the State Health Officer from taking effect unless approved by the Governor with a copy filed in the Office of the Secretary of State.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL

TO BE ENTITLED

AN ACT

Relating to the Alabama Department of Public Health; to amend Sections 22-1-1, 22-2-1, 22-2-4, 22-2-5, 22-2-6, and 22-2-8, Code of Alabama 1975, to abolish the State Board of Health and confer all duties and authorities provided by law to the State Committee of Public Health; to revise the membership of the State Committee of Public Health; to provide minimum qualifications for the State Health Officer; to provide a mechanism to require the State Committee of Public Health to review certain official actions taken by the State Health Officer and take disciplinary action against the State Health Officer; to require certain emergency rules, orders, or directives issued by the State Health Officer to be approved by the Governor and a copy to be filed with the Secretary of State before the emergency rule, order, or other directive has the full force and effect of law; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-1-1, 22-2-1, 22-2-4, 22-2-5, 22-2-6, and 22-2-8, Code of Alabama 1975, are amended to read as follows:

"§22-1-1

For the purposes of this ~~title, the phrase "State~~

~~Health Department"~~code, the Alabama Department of Public Health shall mean the ~~State Board of Health or the~~ State Committee of Public Health~~, when acting for the State Board of Health~~."

"§22-2-1

~~The Medical Association of the State of Alabama, as constituted under the laws now in force or which hereafter may be in force, is the~~ The State Board of Health is abolished. All powers and duties of the State Board of Health, as those powers and duties exist on September 30, 2024, are conferred upon the State Committee of Public Health created under Section 22-2-4, and the State Committee of Public Health shall act as the State Board of Health for purposes of this code."

"§22-2-4

(a) There is hereby created a State Committee of Public Health. ~~which shall be composed of 12 members of the board of censors of the Medical Association of the State of Alabama and the chairman~~ Beginning October 1, 2024, the committee shall consist of the chairs of the four councils ~~which are~~ created in Section 22-2-9, the Governor or his or her designee, the Commissioner of Agriculture and Industries or his or her designee, and 10 physicians. ~~The medical doctor members of the committee shall be selected by the State Board of Health, one from each of the United States congressional districts and the remainder from the state at large.~~ The physician members shall be licensed to practice medicine, be residents of this state, and have expertise within their respective specialty in medicine. The physician members shall be appointed as follows:

(1) An obstetrician-gynecologist appointed by the Alabama Chapter of the American College of Obstetricians and Gynecologists.

(2) A pediatrician appointed by the Alabama Chapter of the American Academy of Pediatrics.

(3) A family medicine physician appointed by the Alabama Academy of Family Physicians.

(4) An internal medicine physician, appointed by the Alabama Chapter of the American College of Physicians.

(5) A radiologist appointed by the Alabama Chapter of the Academy of Radiology.

(6) A psychiatrist appointed by the Alabama Chapter of the American Academy of Psychiatric Medicine.

(7) An infectious disease physician appointed by the Medical Association of the State of Alabama.

(8) A general surgeon appointed by the Medical Association of the State of Alabama.

(9) A physician practicing geriatric medicine appointed by the Medical Association of the State of Alabama.

(10) A maternal-fetal medicine physician appointed by the Medical Association of the State of Alabama.

(b) A majority of the membership of the State Committee of Public Health shall elect a ~~chairman and vice-chairman~~ chair and a vice-chair to serve one term of four years. ~~Upon incapacitation or resignation of the chairman, the vice-chairman~~If the chair is unable to serve, the vice-chair shall succeed to the ~~chairmanship~~ position of chair of the committee. Each member of the State Committee of Public Health

shall have one vote, except the ~~chairman~~ chair who shall vote only in case of a tie. The State Health Officer shall be ex officio secretary to the committee, though not a member thereof, and he or she shall have no vote.

(c) The members of the committee shall receive per diem at a rate of ~~$100.00~~ one hundred dollars ($100) per day ~~or any portion thereof that such committee members shall be~~ when in attendance at an official meeting or function of the committee. In addition, each committee member shall receive reimbursement for subsistence and travel in accordance with state law for each day actively engaged in the duties of ~~their~~his or her office."

"§22-2-5

Whenever the words "State Board of Health" are used in this ~~title, or in any chapter or subsection thereof, said~~ code, the words shall mean the "State Committee of Public Health," as created in Section 22-2-4~~, except when the State Board of Health is in actual session assembled~~. ~~The State Committee of Public Health, as constituted by this chapter, shall have and possess all the prerogatives and powers and duties heretofore prescribed by law for the State Board of Health and shall act for said board. The State Board of Health may by a three-fifths vote alter or amend any action of the State Committee of Public Health, but only when said board is in session assembled.~~"

"§22-2-6

(a) ~~When the State Board of Health is not in session, the State Committee of Public Health shall act for said board~~

~~and have and discharge all the prerogatives and duties of said board, including the adoption and promulgation of rules and regulations.~~ Meetings of the State Committee of Public Health shall be held monthly. A majority of the members shall constitute a quorum. Special meetings of the committee may be called by the ~~chairman~~ chair upon 10 days prior written notice to the committee members ~~thereof~~.

(b) The State Committee of Public Health shall adopt rules as necessary to promote and maintain public health in this state."

"§22-2-8

(a)(1) The State Committee of Public Health shall elect an executive officer who shall be a physician licensed in the State of Alabama to be known as the State Health Officer and shall fix ~~his~~ the term of office and salary. The qualifications of this individual shall be determined by the State Committee of Public Health, which at a minimum, shall include:

a. Possession of a full, active, and unrestricted license to practice medicine in Alabama; and

b. Possession of a Master of Public Health degree, a Master of Business Administration degree, or a similar degree in the field of health care or public health.

(2) Before entering upon the duties of ~~his~~ the office, the State Health Officer shall execute to the State of Alabama a bond, to be approved by the Governor, in the amount of five thousand dollars ($5,000) ~~.00,~~ for the faithful performance of ~~his~~ these duties.

(b)(1) The State Health Officer, ~~so elected shall,~~ under the direction of the State Committee of Public Health and with the approval of the State Personnel Board, shall fix the salaries of the medical employees of the State Committee of Public Health. When the State Committee of Public Health is not in session, the State Health Officer, as executive officer of the Alabama Department of Public Health, shall act for ~~said~~ the committee and shall have and discharge all the ~~prerogatives~~powers and duties of ~~said~~ the committee. ~~He~~ The State Health Officer shall report his or her actions to the committee at its next meeting after ~~such~~ the action is taken, and ~~such~~ the action of the State Health Officer shall then be subject to confirmation or modification by the committee.

(2) If the Governor, Lieutenant Governor, Speaker of the House of Representatives, or President Pro Tempore of the Senate determine, in his or her opinion, that the State Health Officer has taken an official action that exceeds the State Health Officer's statutory authority in a manner that demonstrates a willful disregard for the office, he or she may petition the State Committee of Public Health to determine whether the State Health Officer should be disciplined and whether the official action should be modified, reversed, or affirmed. Disciplinary action may include removal from office.

(c) The State Health Officer shall exercise general supervision over county boards of health and county health officers and promptly report to ~~said~~ the county boards of health any delinquencies of official duty on the part of ~~said~~ a county health ~~officers~~ officer which may come to his or her

knowledge.~~, keep himself informed in regard to all diseases which may be in danger of invading the state~~

(d) The State Health Officer shall stay informed with regard to an actual or potential outbreak of any disease affecting the state and, as far as authorized by law, take prompt measures to prevent ~~such invasions~~ an outbreak and keep the Governor and the Legislature informed as to the health conditions prevailing in the state, especially as to outbreaks of any of the diseases enumerated in Chapter ~~11 of this title~~11A, and submit to the Governor and Legislature such recommendations as he or she deems proper to control, ~~such outbreaks~~prevent, or minimize the outbreak.

(e)(1) The Governor shall have the authority to approve or deny any action proposed by the State Health Officer which would restrict, limit, or otherwise burden the conduct of private citizens or businesses. No emergency rule adopted pursuant to Section 41-22-5(b), order, or other directive shall have the full force of law, unless the emergency rule is first approved by the Governor and a copy filed in the Office of the Secretary of State.

(2) Subdivision (1) does not prohibit or restrict the State Health Officer from issuing individualized directives to private citizens and businesses for violations of state law and rules adopted by the State Board of Health."

Section 2. This act shall become effective on October 1, 2024.