

HB79: Legislative Changes to RSA 128

Training Provided on June 23rd, 2021

Questions and Answers

General Questions

1. Does RSA 128 apply to cities?

No, RSA 128 only applies to towns. Changes to RSA 141-C mentioned in the presentation DO apply to cities as this is a separate statute.

2. Has there been any changes to the enforcement powers of health officers?

No, there have been no legislative changes to the inspection and enforcement powers of health officers with the changes to RSA 128.

Background Checks

3. How can towns obtain the required background check for Health Officers?

The State Police's Background Check Page can be found here:

<https://www.nh.gov/safety/divisions/nhsp/jib/crimrecords/>. The statute does specify that a background check shall be requested from the 'department of safety' (i.e. state police). Unlike private companies, the DOS does have a legal requirement to ensure they are reporting accurate information. A health officer should work with their town administrator to read the law and figure out the best way to accomplish a background check.

4. Do current Health Officers now have to obtain a background check?

The law requires all health officers obtain a background check regardless of how many years they have been serving.

5. Does a background check need to be completed every three years with a re-appointment?

The law does not state how often a background check needs to be obtained. This question may be addressed in the rules to this statute. Consult with your town administrator if your municipality has any town policies on background checks.

6. If I am a current municipal employee and have a background check on file, do I need to complete another background check?

The law says each nominee shall request a criminal history record, yet does not say when it has to be completed, so a current one can be used until further notice. Consult with your

town administrator if your municipality has any town policies on background checks. This question may be addressed in the rules to this statute.

Local Board of Health (BoH)

7. Does the BoH meeting need to be a separate meeting or can it be combined with another meeting?

The local BoH does not have to have a separate meeting and it can be combined with another meeting as long as there is a time to focus on local public health and local health officer readiness and the appropriate members are in attendance (Health Officer and Board of Selectman). Meeting notes should be recorded and saved.

8. Where can I access the local readiness report template?

The template is only a suggested format at this time, not a requirement. The template previewed in the webinar on June 23 is a draft version and can be used to see what information may be requested. Once a final template is approved, it will be sent out to health officers via the private health officer ListServe.

Training Requirements

9. Does the 3-hour training requirement pertain to deputy health officers?

Yes, deputy health officers are also required to complete the 3 hour training requirement.

10. Will there be certificates of completion to prove the 3 hour training has been completed?

Yes, a health officer will be mailed a certification of completion once the training course is passed. A health officer must score 60% or higher on the exam to pass. As of right now, certificates of completion will not be issued for participation in other optional trainings. However, this may change as we transition away from Zoom to a new online learning management system.

11. Is the training required for the reappointment of health officers?

Yes, all new and renewing health officers are required to take the 3-hour training course. However, renewing health officers have the option to “test out” of attending the training by taking the exam portion only.

12. When will the training be made available and how?

There are no trainings scheduled as of yet. The curriculum and the test materials are in development and we anticipate it to be a few months before the training is provided. It is

anticipated that the trainings will be offered virtually and in person at least 4 times a year. A pre-recorded option may also be provided.

13. How will we be notified of training opportunities?

Upcoming training dates and information will be sent out via the health officer private ListServe. You can join this list serve at <https://maillist2.nh.gov/mailman/listinfo/nhlho>.

Confidentiality Requirements under RSA 141-C

14. If my town already has a confidentiality agreement with DHHS, will it be nullified?

If you already have a confidentiality agreement in place with DHHS, it will not be nullified or cancelled.

More Questions?

Contact Sophia Johnson, Health Officer Specialist at 603-271-3468 or healthofficer@dhhs.nh.gov