

ROLE OF THE HEALTH OFFICER

THE PUBLIC HEALTH ISSUE:

The role of the health officer is to ensure that sanitary conditions are present in rental homes, neighborhoods, schools and other public or private locations. If a facility isn't sanitary, then pests, pathogens, and related health problems can spread across the community. This document outlines your role, and the powers and duties that provide legal authority to keep the community clean and healthy. In addition to State laws, there may be municipal ordinances or codes that you're expected to know and enforce.

ROLE OF THE HEALTH OFFICER:

- Investigate, enforce and resolve local public health issues.
- Know the relevant State laws on the duties and powers of the health officer.
- Educate the community on public health issues, within your training and ability.
- Pursue any training or qualifications required to meet the job needs.

ROLE OF OTHERS:

- The town is responsible to support the health officer with compensation, and appropriate training for the duties assigned.
- The town is responsible to nominate a single person to be the health officer or deputy.
- The town is responsible to indemnify and protect town employees from personal financial loss and expense, including reasonable legal fees and costs.
- The State of New Hampshire is responsible to appoint municipal health officers.

SUPPORT FOR THE HEALTH OFFICER:

- DHHS' Health Officer Liaison Unit provides help with nominating a candidate, technical consults, maintains a private ListServe, maintains a training manual, and supports training.
- The NH Health Officers Association may provide a full day training in the Fall and Spring. Towns are required to reimburse you for training expenses for these events. <https://www.nhhealthofficers.org/>
- A training and response manual is available to guide you on how to address specific topics and problems. <https://www.dhhs.nh.gov/dphs/holu/manual.htm>
- A private ListServe is available that allows you to send messages to your peers in other towns via an email group. <http://maillist2.nh.gov/mailman/listinfo/nhlho>
- Your municipality should provide any appropriate training, assistance, and Personal Protective Equipment for you to perform your job, stay safe, and meet the requirements of State law.
- State agencies may be able to provide technical support, such as NH DES for septic issues.
- Larger cities may be able to provide technical support or advice for town health officers.
- The NH Institute for Local Public Health Practice provides training in environmental health topics. <https://www.manchesternh.gov/Departments/Health/Training>

LAWS AND REGULATIONS:

As a health officer, there are a number State laws that you need to know. They are called Revised Statutes Annotated, or RSAs. These laws specify your powers and duties, and provide guidance on how to do the job.

- RSA 128. [Town Health Officers](#)
- RSA 48-A [Housing Standards](#)
- RSA 147 [Health Nuisances](#)
- RSAs for Inspection of schools, daycare, and foster/adoptive home.
- Other State Laws: See the Health Officers Manual for a full list of related laws.
- A municipality may also choose to become a self-inspecting entity for issues such as food protection, public bathing/swimming pools, and/or septic system approvals.

HEALTH INSPECTIONS:

Inspection Form: When you receive a report of a health problem, you will need to collect information before you decide to visit the site, inspect and gather evidence. A general inspection form is available in the Health Officer Manual. <https://www.dhhs.nh.gov/dphs/holu/documents/hom-housingform.pdf>

Inspection Tools: In order to complete an inspection, it's helpful to have a few instruments.

- A printed copy of an inspection form and a pen/pencil.
- A strong flashlight to inspect in dark places.
- A camera or smartphone to record any conditions, certificates or licenses.
- A food-grade thermometer that can test hot water from 85 to 130 degrees.
- (optional) Request a copy of any pest management plan.
- (optional) Request a floorplan of the site or building, with current occupancy numbers.

Record Keeping: When serving as a health officer or deputy:

- Keep a phone and email log to document complaints and your response to them.
- If you expect the situation to lead to an enforcement action, keep a hard-copy on file.
- Gather evidence. Use a camera to take pictures if necessary when you are in the field.
- Use the buddy system. For additional support, take a second person with you. This could be your deputy health officer, a selectperson (who is a member of the local Board of Health), or another town official such as a building inspector. If you have safety concerns, ask for a police officer.
- When your term is completed, meet with the new health officer to pass on your training manual, case files, and brief the new health officer on any cases that are not resolved.

SPECIFIC DUTIES:

Health Officers have a public health role that based is on an understanding of buildings, people, pests and sanitary conditions. The following section provides examples where the health officer has specific duties as defined by the terms 'shall' or 'may' in the authorizing legislation.

DUTIES AND COMPENSATION (RSA 128): The town health officer:

- **Shall enforce** the public health laws and rules.
- **Shall make such sanitary investigations** as may be directed by the local board of health, or as may be required by the department of health and human services.
- **May**, upon reasonable information, personal knowledge or belief, **in order to safeguard public health** or to prevent pollution of any aquifer or body of water, **enter upon private property**, but not into any living quarters, to investigate and, if necessary, take appropriate action to prevent further pollution.
- **Shall receive for the health officer's services the compensation** fixed by the selectmen or the town, except as otherwise provided.
- **May**, if duly appointed to serve any New Hampshire town, **serve temporarily** at the request of the governing body of any other New Hampshire town and may perform any lawful duties within that other town. For those duties performed at the request of such town, all compensation, expenses and liability coverage shall be incumbent upon the requesting town. For the purposes of this paragraph, "temporarily" means 30 calendar days or fewer.

RENTAL HOUSING (RSA 48A): 48-A:3 Provisions of Ordinances, Codes and Bylaws. – (c) A minimum housing standards enforcement officer, under such title as the governing body shall prescribe, who shall be qualified by training or experience to interpret, administer, and enforce the provisions of such ordinance, code or bylaw, which shall be his or her principal duty and responsibility.

- 48-A:14 Minimum Standards Established. – **No landlord... shall** maintain those rented premises in a condition in which.. the premises are infested with insects and rodents, bed bugs, defective internal plumbing, faulty septic, exposed wires, roof or walls leak, plaster is falling, floors/walls/ceilings contain holes, porch/stairs not sound, garage or rubbish, inadequate water supply, leaks in gas line, not able to maintain temperature of 65 degrees...

PUBLIC HEALTH NUISANCES (RSA 147): 147:3 Investigations and Complaints. – Health officers of towns, and each of them, **shall** inquire into all nuisances and other causes of danger to the public health, and for the purpose of such investigations, or whenever they shall know or have cause to suspect that any nuisance or other thing injurious to the public health... These may include garbage, insects, unsanitary living conditions, rodents, and safe drinking water inspections.

SEPTIC SYSTEMS (RSA 147): 147:10 Nuisances; When; Regulations. – No privy, toilet, sink, drain, cesspool, septic tank, or the discharges from such facilities... **shall** be erected or continued in such place or condition as, in the judgment of the health officers, to be a nuisance or injurious to the public health

CHILDCARE\FOSTER HOMES INSPECTIONS (RSA 170): Health Officers may inspect facilities used for childcare and the homes of people serving as foster/adoptive parents to assure they meet local health codes.

SCHOOL HEALTH AND SANITATION INSPECTIONS (RSA 200): Health Officers may inspect public and private school facilities (every 3-5 years) to certify that they meet a specific list of criteria provided by the NH Department of Education.

FOOD-BORNE ILLNESS (RSA 143): Health Officers may respond to complaints and report cases of suspected or known violations of the Food Code to the DPHS Food Protection Section. In conjunction with the DPHS Food Protection Section, health officers may be asked to assist with a food-borne disease outbreak.

PUBLIC BATHING FACILITIES (RSA 485-A): Health Officers may inspect any public pool, spa, or swimming area to determine if it is safe and sanitary (within the limits of their training). They may also assess public bathing facilities per directives from the Department of Environmental Services.

LEAD (RSA 13-A): Health Officers may coordinate with a DPHS lead inspector upon request. The DPHS Health Homes Lead Poisoning Prevention Program may also request that a local health officer verify whether lead hazard reduction activities are taking place, or check to determine if a child under the age of 5 resides in a particular dwelling unit.

DRINKING WATER (RSA 485): Health Officers may test any public/private water supply suspected of being unsafe, per directives from the Department of Environmental Services.

COMMUNICABLE DISEASES (RSA 141-C): Health Officers may assist the DPHS, Bureau of Communicable Disease as requested during disease outbreaks, and disseminate educational materials throughout your city or town.

MOSQUITO BORNE ILLESSES: Health Officers may disseminate educational materials to the community regarding West Nile Virus, EEE or other threats.

Find detailed information in the Health Officers' Manual. <https://www.dhhs.nh.gov/dphs/holu/manual.htm>

ENFORCEMENT

Under RSA 128, Health Officers are required to enforce the public health laws and rules. RSA 147 outlines additional enforcement tools you may use to assist in enforcement proceedings:

- **Rulemaking: 147:1** “The health officers of towns may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require...”
- **Removal Notices: 147:4** “The health officers may notify the owner or occupant of any building, vessel, premises, or property to remove or destroy any nuisance or other thing therein deemed by them, on examination, to be injurious to the public health, within a time limited; and in case the owner or occupant, after such notice in writing, given to the owner or occupant or left at the owner's or occupant's abode, shall neglect to comply with the order, the health officers may forcibly enter and cause the nuisance or other thing to be removed or destroyed.”
- **Administrative Warrant: 147:3** “...for the purpose of such investigations, or whenever they shall know or have cause to suspect that any nuisance or other thing injurious to the public health is in any building, vessel, or enclosure they may obtain an administrative inspection warrant under RSA 595-B, including authority to forcibly enter therein and make such search, pursuant to RSA 595-B:5.”

NH DHHS, Division of Public Health Services/ Bureau of Public Health Protection

Health Officer Liaison Unit

Call the office at: 800-852-3345 x3468, or 603-271-3468

Email us at: healthofficer@dhhs.nh.gov

Find us on the web at: <http://www.dhhs.nh.gov/dphs/holu/>