

**Adopt He-P 900 to read as follows:**

CHAPTER He-P 900 TOWN HEALTH OFFICERS

Statutory Authority: RSA 128:10

PART He-P 901 GENERAL INFORMATION

He-P 901.01 Purpose. The purpose of this rule is to establish requirements for appointment, duties, and training of town health officers in the state of New Hampshire. This chapter does not apply to cities pursuant to RSA 128:7.

He-P 901.02 Definitions.

(a) “Cause” means any determination by the town for which a town recommends removal of the health officer.

(b) “Certificate of appointment” means the documentation of an official assignment of a person as a health officer or deputy health officer for a town or unorganized locality.

(c) “Commissioner” means the commissioner of the department of health and human services, or commissioner’s designee.

(d) “Department” means the department of health and human services.

(e) “Health officer” means the person appointed by the commissioner to enforce public health laws and rules in a town or unorganized locality. It includes the term “deputy health officer.”

(f) “New Hampshire Health Officers Association (NHHOA)” means the professional organization established to assist and support local health officials in meeting their responsibilities to the public through programs of education, technical assistance, representation, and resource development.

(g) “Qualified person” means an appointed health officer.

(h) “Town” means a political unit of the state other than a city. It includes the term “municipality.”

(i) “Unorganized localities” means a region of the state with no local incorporated government.

PART He-P 902 HEALTH OFFICER APPOINTMENT

He-P 902.01 Appointment Process of a Health Officer for a Town or for Several Towns.

(a) The selectmen of a town shall recommend to the commissioner a person for nomination as a health officer or deputy health officer by submitting to the department a completed “Health Officer and/or Deputy Health Officer Nomination Form” (March 2023).

(b) If several towns are to use one health officer between them, then the selectmen of those towns shall recommend to the commissioner a person for nomination as a health officer or deputy health officer by submitting to the department a completed “Health Officer and/or Deputy Health Officer Nomination Form” (March 2023).

(c) Each municipality shall request and obtain a criminal history record information request from the department of safety, as a prerequisite to any nomination of a health officer or deputy health officer.

(d) The results of the request shall be submitted to the commissioner or commissioner's designee for review to determine if there are any prior convictions that:

- (1) Could disqualify such person; or
- (2) Interfere with the performance of their duties.

(e) The commissioner shall suspend, until action is taken pursuant to (f) below, any nomination for a town health officer if a criminal background check results in evidence of a criminal conviction for any offenses relating to:

- (1) Aggregated felonious sexual assault;
- (2) Felonious sexual assault;
- (3) Sexual assault;
- (4) First degree assault;
- (5) Second degree assault;
- (6) Criminal threatening;
- (7) Kidnapping;
- (8) Endangering the welfare of a child or incompetent;
- (9) Indecent exposure or lewdness;
- (10) Possession of child sex abuse images;
- (11) Offenses relating to obscene matter involving a child;
- (12) Controlled drug act;
- (13) Any offense involving theft;
- (14) Any offense involving fraud;
- (15) Otherwise poses a threat to the health, safety, or well-being of residents to be served; or
- (16) Any other criminal offense that interferes with the performance of a health officer's duties.

(f) If a nominee's criminal background check reveals a conviction for any of the criminal offenses listed above, the commissioner in consultation with the municipality, shall take into consideration the following when deciding whether to approve or deny the nomination:

- (1) The municipality's commitment to and faith in the nominee;
- (2) The nominee's explanation and circumstances;
- (3) The nature and gravity of the offense;
- (4) The length of time since the criminal conviction;
- (5) Whether the conviction has been annulled; and
- (6) Any exceptional or mitigating circumstances.

(g) If approved, the commissioner shall notify the appointee and issue a certificate of appointment within 30 days.

(h) The commissioner shall appoint any qualified person as defined in He-P 901.02(g), to act in unorganized localities as a health officer when a complaint is received by the department and requires an investigation, response, or both.

He-P 902.02 Term of Appointment.

(a) Pursuant to RSA 128:4, a health officer shall hold office for:

- (1) A total of 3 years;
- (2) Unless or until removed for cause as defined in He-P 901.01(a); or
- (3) Until a successor is appointed.

(b) Upon the expiration of the health officer's term, or upon his or her removal, death or resignation, or the occurrence of a vacancy in the office for any reason, the selectmen shall:

- (1) Notify the commissioner; and
- (2) Make a recommendation for a replacement within 15 days of the notice in (1) above.

(c) If no recommendation is made within the 15 day notice of (b)(2) above, the commissioner shall appoint the chair of the board of selectman for each town to serve for each town, subject to approval of a successful background check in He-P 902.01 above, until a recommendation is received,.

He-P 902.03 Deputy Health Officer Appointment and Term.

(a) The appointed health officer shall nominate a person to serve as a deputy health officer as needed, upon approval of the selectmen and the commissioner and pursuant to He-P 902.01.

(b) The term of the deputy health officer shall expire with that of the health officer.

(c) In the event of a vacancy of a health officer, the term of the deputy health officer shall be extended with the approval of the board of selectmen, in consultation with the commissioner, until the health officer vacancy is filled.

#### PART He-P 903 DUTIES

##### He-P 903.01 Duties of a Health Officer.

(a) Health officers shall have the authority to:

- (1) Enforce public health laws and rules; and
- (2) Make sanitary investigations as directed by:
  - a. The local board of health; or
  - b. The department.

(b) Deputy health officers shall be empowered to:

- (1) Enforce public health laws and rules; and
- (2) Make sanitary investigations as directed by:
  - a. The health officer; or
  - b. The department.

(c) Pursuant to RSA 128:3, the health officer shall:

- (1) With the board of selectman, constitute the local board of health for the town; and
- (2) Be the secretary and executive officer of the local board of health for the town.

(d) This local board shall:

- (1) Meet at least once every year;
- (2) Review the state of local public health issues and concerns; and
- (3) Provide information as requested to the department on the readiness to address public health threats identified at the local or regional levels.

(e) The department shall contact the local board of health when it receives information regarding a public health threat in order to:

- (1) Determine the readiness of the local board to respond; and
- (2) Provide technical assistance and resources to address the issue.

**PART He-P 904 TRAINING AND QUALIFICATIONS**

**He-P 904.01 Training Required.**

(a) Within one year of appointment, each health officer and deputy health officer shall complete a minimum of 3 hours of training on topics related to the specific laws that provide authority to health officers.

(b) The curriculum for training shall include, but not be limited to:

- (1) Duties and responsibilities on rental housing standards pursuant to RSA 48-A:3, I(c);
- (2) Assessment and management of health nuisances pursuant to RSA 147; and
- (3) Duties pursuant to RSA 128:5.

(c) The training shall be administered at no cost to the municipality by the department in collaboration with the NHHOA.

(d) The training shall be taken either:

- (1) In person; or
- (2) Through a remote learning platform provided by the department.

(e) Upon completion of the training required in (a) above, each health officer and deputy health officer shall receive a certification of completion and provide a copy of the certification of completion to the department.

**APPENDIX A**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
He-P 901	RSA 128:10
He-P 902	RSA 128:1, RSA 128:2, RSA 128:4, RSA 128:5-b, RSA 128:6, RSA 126:6-a, RSA 128:10
He-P 903	RSA 128:3, RSA 128:5, RSA 128:10, RSA 128:11
He-P 904	RSA 128: 8, RSA 128:10