



# BOH Organization Guide: #1 BOH Foundation

## Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the steps needed currently to organize a Massachusetts Board of Health. The checklist is designed to be used in tandem with the **BOH SOP and Appendices**. BOXES CAN BE CHECKED WITH the CURSOR.

<input type="checkbox"/> <b>BOH Foundation</b>
<input type="checkbox"/> <b>State Laws and Regulations to Protect the Public Health and Safety (See BCBOHA Basic BOH Training)</b> <ul style="list-style-type: none"><li><input type="checkbox"/> State Law requires every city/town to have a BOH. Selectmen can serve as BOH if none is appointed/elected.</li><li><input type="checkbox"/> Basis for most BOH Powers and Duties is the power to condemn nuisances (M.G.L. c.111, s.128), investigate contagious/Infectious diseases (M.G.L.c.111 s.7); isolate/quarantine (M.G.L. 111 s. 92-121A) and condemn food (M.G.L. c.94, s.146 as long as actions taken are reasonable and to protect the public health and safety.</li><li><input type="checkbox"/> DEP Regulations set BOH duties for clean water, clean air, solid and liquid wastes, septic systems, private wells, etc.</li><li><input type="checkbox"/> State/Local Laws/Regulations set BOH duties for Temporary Housing, Chokesaver, Allergy Awareness, Beavers, etc.</li></ul>
<input type="checkbox"/> <b>BOH Members</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Elected or appointed, powers and duties are the same.</li><li><input type="checkbox"/> Check Town or City Charter for any regulations related to BOH/Board appointments or elections.</li><li><input type="checkbox"/> Usually 3 – 5 members.</li></ul>
<input type="checkbox"/> <b>BOH Terms</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Serve until term ends (usually 3 years) or resignation is accepted.</li><li><input type="checkbox"/> Can only be removed for cause if appointed; unclear if removal is possible if elected, even for cause.</li><li><input type="checkbox"/> Take Conflict of Interest Test annually.</li><li><input type="checkbox"/> Sign Open Meeting Law Acknowledgement.</li></ul>
<input type="checkbox"/> <b>BOH Liability Coverage</b> <ul style="list-style-type: none"><li><input type="checkbox"/> As long as a duly appointed/elected BOH member is acting within the scope of his powers/duties in all matters that require discretion, the Massachusetts Tort Claims Act (M.G.L. c 258) limits a BOH member liability for discretionary acts. The courts generally side with the BOH and Town/City insurance must cover any potential liability claims.</li><li><input type="checkbox"/> Civil Rights Violations/Corruption/Assault are not covered by Town/City insurance or other BOH legal protections.</li></ul>
<input type="checkbox"/> <b>BOH Powers</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Extensive powers come directly from the State not the City or Town, though Town/City Charters can add duties.</li><li><input type="checkbox"/> BOH can operate independently from Town/City.</li><li><input type="checkbox"/> Can pass reasonable local regulations that have the force of law.</li><li><input type="checkbox"/> BOH must follow due processes and legal procedures:<ul style="list-style-type: none"><li><input type="checkbox"/> Civil Rights Laws; Conflict of Interest Laws.</li><li><input type="checkbox"/> Trespass Laws – get administrative warrants if access denied.</li><li><input type="checkbox"/> Open Meeting Law.</li><li><input type="checkbox"/> Not subject to HIPPA unless providing/paying for medical services.</li></ul></li><li><input type="checkbox"/> Powers stop at town lines unless properly appointed in the receiving town even with Mutual Aid Agreements.</li><li><input type="checkbox"/> Only the Board of Health can appoint Health Agents; municipality can appoint inspector/code enforcement officer.</li></ul>
<input type="checkbox"/> <b>BOH Mission/Responsibilities</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Ensure wellness and the prevention of disease and injuries.</li><li><input type="checkbox"/> Prioritize community health versus individual health.</li><li><input type="checkbox"/> Set BOH Policies.</li><li><input type="checkbox"/> Ensure all State and local regulations/laws are enforced fairly.</li><li><input type="checkbox"/> Educate first, enforce last.</li><li><input type="checkbox"/> Provide variances as appropriate after due deliberation at a public BOH meeting to mitigate manifest injustice.</li></ul>
<input type="checkbox"/> <b>BOH Record Keeping</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Keep all final/original records in a safe place at Town/City Hall.</li><li><input type="checkbox"/> Need permission from Secretary of State Records Office to destroy files (See BOH Structure checklist).</li><li><input type="checkbox"/> May discard notes and recordings used to make the official record.</li><li><input type="checkbox"/> Complaints should be logged in a bound Complaint Book or computer that dates; investigate within 24 hours</li><li><input type="checkbox"/> Ongoing investigations may be kept private until the investigation is complete, then the files become public record.</li><li><input type="checkbox"/> Emails (Town or personnel) used for BOH business are public record; subject to public access. Only use a BOH email</li><li><input type="checkbox"/> Public has right to access all BOH records, except medical info and current investigations.</li></ul>

<p><b><input type="checkbox"/> BOH Required Duties:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Monitor Diseases; use MAVEN daily</li> <li><input type="checkbox"/> Emergency Preparedness/Response</li> <li><input type="checkbox"/> Environmental Health Services</li> <li><input type="checkbox"/> Record Keeping</li> <li><input type="checkbox"/> Enforce Laws/Regulations</li> <li><input type="checkbox"/> Set Policies; Monitor Staff</li> <li><input type="checkbox"/> Follow-up on Complaints/Nuisances</li> <li><input type="checkbox"/> Retail Food Establishment</li> <li><input type="checkbox"/> Recreational and Family Camps</li> <li><input type="checkbox"/> Septic systems under 10,000 gpd</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Public/semi-public pools, spas</li> <li><input type="checkbox"/> Public/semi-public beaches</li> <li><input type="checkbox"/> Private water supplies; wells</li> <li><input type="checkbox"/> Private/public housing, inns, labor camps, shelters, etc.</li> <li><input type="checkbox"/> Septage and garbage haulers</li> <li><input type="checkbox"/> Disease vectors/ harborage</li> <li><input type="checkbox"/> Clean air and safe noise levels</li> <li><input type="checkbox"/> Indoor Ice Rinks</li> <li><input type="checkbox"/> Hazardous/Medical wastes</li> <li><input type="checkbox"/> Beavers; Rabies; Animal Insp.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Smoking; smoke free workplace</li> <li><input type="checkbox"/> Death; Burial Certificates/Reports usually assigned to Town Clerk</li> <li><input type="checkbox"/> Body Art; Tanning; Bath Houses</li> <li><input type="checkbox"/> Solid wastes; site assignments; Transfer Station</li> <li><input type="checkbox"/> Misc. licensing/permitting funeral directors, kennels, subdivision plan reviews, emergency school pesticide permits, outdoor air hazards with DEP, utility shut-offs for non-payments, fluoridation, vaccination, milk plants/raw milk farmers, cold storage facilities, indoor air quality, site assignments for cemeteries, and noisom trades such as piggeries and slaughter houses.</li> </ul>
<p><b><input type="checkbox"/> BOH Budgets</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> No power to spend money, except as granted by Town/City budget process.</li> <li><input type="checkbox"/> Municipality may set up revolving fund to pay inspectors/agents or other costs.</li> </ul>		
<p><b><input type="checkbox"/> BOH Trainings</b></p> <p>Required</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> NIMS 700; ICS 100 <a href="https://training.fema.gov/nims/">https://training.fema.gov/nims/</a> (please report certificate to BCBHOA)</li> <li><input type="checkbox"/> Conflict of Interest Certification: <a href="https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees">https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees</a></li> <li><input type="checkbox"/> Food safety training (such as ServSafe) if doing any Food Establishment inspections</li> <li><input type="checkbox"/> Soil Evaluator (if granting variances)</li> <li><input type="checkbox"/> MAVEN Training if using the MAVEN disease reporting system</li> </ul> <p>Recommended</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> BOH Orientation Class (BCBOHA, MHOA)</li> <li><input type="checkbox"/> Local Public Health Institute (LPHI) Foundations Course</li> <li><input type="checkbox"/> MA Public Health Inspector Training (PHIT) Housing Course (if doing housing inspections)</li> <li><input type="checkbox"/> MA Public Health Inspector Training (PHIT) Food Course (if doing food inspections).</li> <li><input type="checkbox"/> MA PHIT Wastewater</li> <li><input type="checkbox"/> System Inspector Certification (if doing Title 5 witnessing or approvals)</li> <li><input type="checkbox"/> BCBOHA Septic Installer Certification (if approving plans)</li> <li><input type="checkbox"/> LPHI On-line modules</li> <li><input type="checkbox"/> BCBOHA Temporary Food Training</li> <li><input type="checkbox"/> Mass Virtual Epidemiologic Networking (MAVEN) Training</li> <li><input type="checkbox"/> Certified Pool Inspector / Certified Pool Operator (if inspecting pools)</li> </ul>		