

ALABAMA STATE BOARD OF HEALTH
 ALABAMA DEPARTMENT OF PUBLIC HEALTH
 OFFICE OF GENERAL COUNSEL
 ADMINISTRATIVE CODE

CHAPTER 420-1-5
 ORGANIZATION AND OPERATION
 OF THE STATE BOARD OF HEALTH

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420-1-5-.01 **Function.** The State Board of Health was constituted by Code of Ala. 1975, §22-2-1, and is charged with the responsibility for safeguarding the public health through enforcement of the public health laws of the State of Alabama and other means as enumerated in §22-2-2. The terms State Board of Health, State Committee of Public Health, State Department of Public Health, and State Health Officer are used interchangeably except where the context prohibits.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-2-11, 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2009.

420-1-5-.02 **Organization.**

(1) Location. The State Board of Health and its administrative arm, the Department of Public Health, have central offices located in the RSA Tower, 201 Monroe Street, Montgomery, Alabama 36104. Mailings are to be sent to Post Office Box 303017, Montgomery, Alabama 36130-3017. Office hours are 8 a.m.

to 5 p.m., Monday through Friday, official state holidays excluded.

(2) Composition of the Board. The Medical Association of the State of Alabama is the State Board of Health. The Board functions through the State Committee of Public Health as constituted by Code of Ala. 1975, §22-2-4, which is composed of 12 members of the Medical Association of the State of Alabama and the chairman of each of four councils provided for by statute. The 16 members function under the leadership of a chairman and a vice chairman elected by the membership for a term of four (4) years.

(3) Meetings. The State Committee of Public Health meets monthly. Agendas are available to any interested persons not less than seven days in advance of the meeting, if available, in accordance with the Alabama Open Meetings Act. All meetings will be open to the public unless closed in accordance with the Alabama Open Meetings Act. Meetings are conducted in accordance with The Standard Code of Parliamentary Procedure, 4th edition.

(4) Minutes of the Committee meetings are prepared and are available at the Board of Health offices for inspection during regular business hours.

(5) The Organizational Chart set out on the World Wide Web at <http://www.adph.org> is not a rule but is provided as a guide to the Department's organization. Such is subject to change without notice by the State Health Officer or State Board of Health.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-1, 22-2-2, 22-2-4, 22-2-5, 22-2-6, 22-2-9, 22-2-10, 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2009.

420-1-5-.03 Administration. The Committee of Public Health elects an executive officer who is known as the State Health Officer and who is responsible for the day-to-day administration of the Board's activities. The Department of Public Health is composed of numerous offices, bureaus, divisions, and public health areas which answer directly to the State Health Officer.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-8, 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2009.

420-1-5-.04 Open Records.

(1) State level records

(a) All public records of the State Board of Health are available for public inspection during business hours. Requests to obtain records may be made electronically, by mail, telephone or in person. Minutes of Committee meetings, forms and other records routinely requested by the public may be obtained at a cost of a \$5.00 retrieval fee plus \$1.00 per page for the first 25 pages and \$.50 for every page thereafter unless otherwise provided by law or rule. This charge may be waived in the case of requests by governmental agencies or indigent persons.

(b) Medical or clinic records, notifiable disease records, records of epidemiological investigations, investigative records of the Bureau of Health Provider Standards or records that are proprietary by statute, case law, rule or custom are not "public records" per se and are not open to the public inspection. Release of records by subpoena in civil or criminal actions are governed by individual statutes or court rules.

(2) County level records

(a) Public records in the possession of county health departments may be obtained in the same manner as state level records. Charges for such records will be assessed in conformity with local fee legislation/schedules.

(b) Medical or clinic records, notifiable disease records, records of epidemiological investigations, or records that are proprietary by statutory, case law, rule or custom are not "public records" per se and are not open to the public inspection. Release of records by subpoena in civil or criminal actions are governed by individual statutes or court rules.

(c) In counties where there is **no fee legislation and no fee schedules**, such records may be obtained as provided for in (1)(a) above.

(3) Charge for response to subpoenas - In accordance with Rule 45(a)(3)(c) Alabama Rules of Civil Procedure, a reasonable charge may be requested for response to subpoenas at both the state and county levels. Such records shall be obtained at a cost of a \$5.00 retrieval fee plus \$1.00 per page for the first 25 pages and \$.50 for every page thereafter unless otherwise provided by law or rule.

(4) Nothing in the rule is intended to require that information defined by 45 CFR, Parts 160 and 164 as "protected health information" (PHI) or that information otherwise protected as confidential by rule or statute, be made available to the public. All questions as to whether a particular document or class of information is public or confidential should be referred to the Office of General Counsel.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§13A-14-2, 22-2-2(6), 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed January 15, 2003; effective February 19, 2003. **Amended:** Filed April 21, 2004; effective May 26, 2004. **Amended:** Filed December 17, 2009; effective January 21, 2009.

420-1-5-.05 **Forms.** Appropriate official forms of the Department of Public Health are available from the bureau or division administering the program or the area health officer. Forms used in locally administered programs are available from the local health department, the office of the State Health Officer or the appropriate state program office.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-2, 41-22-2.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2009.

420-1-5-.06 **Agency Secretary For Administrative Procedures.**

(1) The General Counsel of the Department of Public Health, whose office is located at 201 Monroe Street, Suite 1540, Montgomery, Alabama 36104, will serve as the Agency Secretary for Administrative Procedures. Mailings to the Agency Secretary are to be sent to Post Office Box 303017, Montgomery, Alabama 36130-3017.

(2) The duties of the Agency Secretary include the following:

(a) Sign and file certified copies of all rules with the Legislative Reference Service;

(b) Receive, docket and maintain an updated file on all rules, amendments or repeal of rules;

(c) Keep a permanent register of all rules for public inspection and copying;

(d) Establish and maintain the State Board of Health Administrative Code;

(e) Maintain a case accounting system.

(f) By policy, provide for subscription services to the Rules of the State Board of Health.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §41-22-6.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2009.

420-1-5-.07 County Board Of Health Rules. All County Board of Health rules shall be filed with the Agency Secretary 30 days prior to adoption and shall not conflict with existing State Board of Health rules concerning the same subject matter.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-2(1)(6)(7); 22-3-2.

History: Filed July 20, 1990. **Repealed and New Rule:** Filed December 17, 2009; effective January 21, 2009.

CHAPTER 420-1-5
APPENDIX A
ORGANIZATION OF THE ALABAMA DEPARTMENT OF PUBLIC HEALTH

REPEALED (1/21/09)

Author:

Statutory Authority: Code of Ala. 1975, §§22-21-20 et seq.

History: Repealed and Replaced: Filed November 20, 1996; effective December 24, 1996. **Amended:** Filed June 20, 1997; effective July 25, 1997. **Repealed:** Filed December 17, 2009; effective January 21, 2009.