



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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October 8, 2008

TO: Washington State Board of Health Members

FROM: Craig McLaughlin, Board Executive Director

**RE: REVIEW OF CONTRACT FOR ENVIRONMENTAL HEALTH SERVICES
BETWEEN WALLA WALLA AND GARFIELD COUNTIES**

Background and Summary

RCW 70.05.150 states: “In addition to powers already granted them, any county, district, or local health department may contract for either the sale or purchase of any or all health services from any local health department. *Such contract shall require the approval of the state board of health*” [emphasis added]. The statute, though not well-known, has been on the books since 1963. Minor changes were made in 1993 in the context of health services reform. The language applies to agreements between local health jurisdictions, not to agreements between the state and county agencies and not to agreements with private entities. Presumably, it would not apply to agreements where no purchases are involved—for example, regional agreements to share in-kind services provided under the Public Health Emergency Preparedness and Response program.

Members of the State Board of Health and others have expressed concerns in the past about whether this is an appropriate activity for the Board, and the Board has never actively pursued enforcement. Board staff will let jurisdictions know about the rule and will work with those jurisdictions who want to obtain formal Board review and approval in order to assure the legality of such contracts. In 2004, Clark County and Skamania counties received Board approval of a contract for Clark to provide public health services to Skamania.

In August, the Board received a request from the Walla Walla County Health Department to approve an existing contract to provide environmental health services to Garfield County. The Board’s counsel, Assistant Attorney General Melissa Burke-Cain has reviewed the contract. The contract and the letter requesting Board approval are attached. Harvey Crowder, Walla Walla Health Department Administrator, will be available to answer questions by phone.

Recommended Board Motion

The Board may wish to introduce, modify as needed, and consider adopting the following:

The Board approves the contract under which the Garfield County Health District purchases environmental health services from the Walla Walla Health Department, but recommends that the next iteration of this contract and any future contracts of this sort specifically address health officer authority.