Atty. Gen. Backs RHC Plan

Following is the transcript of an opinion from the N.C. Department of Justice to Dr. Ronald Levine, acting director, Division of Health Services, Department of Human Resources.

Dear Dr. Levine:

I am writing in response to your memorandum of November 28, 1978, conerning the proposed reorganization of functions in Forsyth County government as it pertains to the county health department. In your memorandum, the following questions are posed:

1. Whether the establishment of an assistant county manager to coordinate the planning, implementation and operation of public health services programs compromises the policy-making authority given to the local boards to health by North Carolina General Statutes S130-13 (b)?

2. Whether an assistant to the county manager without the approval of the local board of health can, through the transfer of health department personnell and positions, remove a health department function mandated by the North Carolina General Statutes'

It is understood that a document entitled "Recommendations for a Framework for the Provision of County Health Services" proposes that the functions of the Reynolds Health Center and the Forsyth County Health Department be restated so as to clarify lines of responsibility.

The Recommendations also suggest that a position of assistant to the manager be established to "coordinate a position of assistant to the manager be established to "coordinate the planning, implementation and operation of health services' pro-grams." It is also understood that the Division of Health Services acknowledges the necessity for flexibility in the manner in which the county makes its residents.

Therefore, the authority of the county to operate a health clinic independent of the county health department is not challenged. The question pertains rather to how the Reynolds Health Center and the Forsyth County Health Departments will function within the organization of county government.

G.S. 153A-76 provides that "(t) he board of commissioners... may generally organize and reorganize the county government in order to promote orderly and efficient administration of county affairs..."

However, "(t) he board may not discontinue or assign elsewhere a function or duty assigned by law to a particular office, position, department, board, commission, or agency." G.S. 130-17 (a) provides in part that "(t) he local boards of health shall have the immediate care and responsibility of the health interests of the public health, to establish reasonable standards governing the nature and scope of public health services rendered by local health departments" (Emphasis supplied). The Com-mission has established such standards which govern twenty-three programs, ranging from child health to vital records.

Finally, G.S. 130-13 (b) provides in part that "(w) here a county furnishes public health services by operating a county health department, the policy-making body for the county health department shall be a county board of health...

In light of the foregoing statutes, it is the opinion of this Office that a position of assistant to the manager may be established to coordinate health services programs between the Reynolds Health Center and the Forsyth County Health Department.

Such coordination may not, however, impair the authority of the county board of health to provide for the health interests of the county by operating the progrems referenced in the Commission for Health Services' standards. The daily operation of such programs is entrusted to the local health director, who is the administrative head of the department. See G.S. 130-19.

In connection with the second question posed in your memorandum, it is stated that, pursuant to the Recommendations mentioned above, the X-ray services would be removed from the Forsyth County Health Department to the Reynolds Health Center.

The Commission for Health Services' standards, specifically 10 North Carolina Administrative Code 12 .0220, require that the local health department provide a plan for tubercolosis control which includes diagnostic and follow-up services, treatment services, and education and casefinding services.

Although X-ray services are essential for the implementation of the tubercolosis control plan which is included under the Commission's standards, it does not necessarily follow that the county health department must be the provider of the service.

In fact, 10 N.C.A.C. 12.0201 (a) states in part that "(t) he health department shall insure that established standard public health services are available to residents of its jurisdiction although the department may or may not be the provider of such service."

Therefore, it is our opinion that the statutes and the standards allow flexibility in determining the manner in which the required services are made available, provided that the county health board, through the health director, retain the authority and the responsibility to insure that the services are provided in accordance with the applicable standards in the best health interests of the county.

Similarly, the board of commissioners may organize and reorganize county government, such as transferring the X-ray services from the health department to the health center, provided that the ability of the county board of health, whether by interagency agreement, direct line of authority of otherwise, to fulfill its responsibilities under the statutes and the standards is preserved.

Finally, the authority of the board of commissioner to organize and reorganize county government, i.e. to reassign functions between county agencies, must necessarily supercede any authority of the health director over personnel matters within his department. Otherwise, the clear authority of the board of commissioners contained in G.S. 153A-76 would be severly limited.

Sincerely,

RUFUS L. EDMISTEN
Attorney General

Robert R. Reilly
Assistant Attorney General

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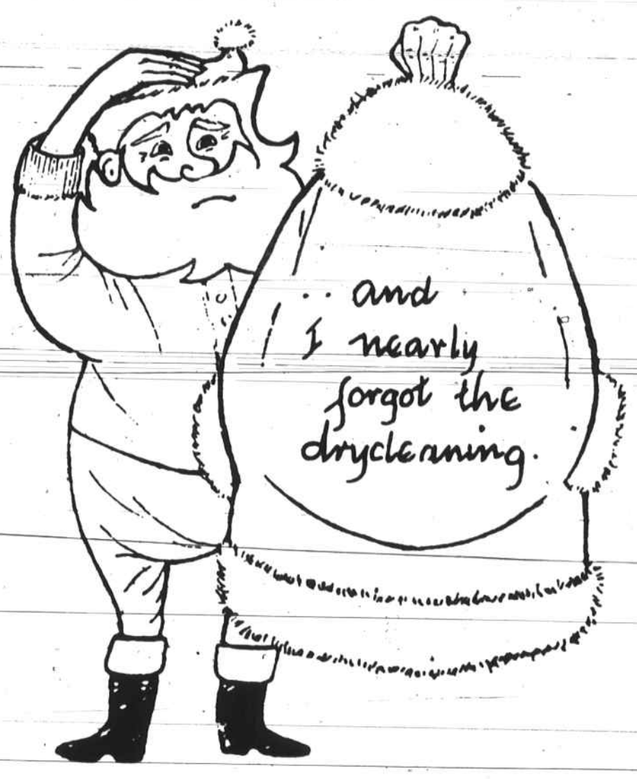

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Chronicle Letters

Dear Editor:

On behalf of the North Carolina Human Relations Council, and myself, I want to thank you and the staff of the Winston-Salem Chronicle for the prominent display of news of the activities of the council. We appreciate this because it helps inform the public of our activities and existence.

Sincerely,
Jerry Drayton

LETTERS TO EDITOR

Now the N.C.A.E., to which I proudly held cards and boasted of my membership during my teaching career, has become involvedin the Robert Ward situation.

It has been stated that Ward joined the educators association shortly before his suspension from Winston-Salem State University. Doesn't this look as if he anticipated what he expected to happen and used this organization as his backbone'0 They bit; now they are going to help.

I have always been conscientious and enormously interested in those who entertain high ideals. No master without preparation of the situation can demand and retain love or respect and suddenly leap into the area of fame from low and often from origins of depths or unpreparedness by forcefully interrupting and shouldering another from his activities and responsibilities to his institution, therefore causing the state, city, and schools a loss of hundreds of dollars regardless of the consequences, without penalty.

One may be vivacious and feel that he has the brilliancy, self desires, courage and self assertive authority to take matters in his own hands. This will not always be commended, but attention, after a while of submissive service always will.

So we have the picture of one who expects to work in harmony and peace, entertaining the thought that I've given my authority reasons never to speak to me again. When one reaches the point that he can no longer exist under adverse circumstances and that his selfish desires may create harmful result, it's time for him to move to greener pastures.

I am very honest and speak distinctively when I express the belief that we have a chancellor at WSSU who, if supported by the right thinking people, Winston-Salem State alumni, students and teachers, will do more for WSSU and the community than all his ambitious, energetic forerunners and that his earnest and sincere intentions, professional self-respect yet disciplined matter of fact tactics will be forever imprinted as a permanent stamp of approval and everlasting impression future students.

Dr. Friday, president of the University of North Carolina, has noted his worthiness. Must we learn too late?

Remember the comparative future of our boys and girls at WSSU is in the hands of supposedly competent, trustworthy and knowledgeable instructors. The students are young and energetic, ready for new ideas.

The difficult decision for some of them to decide is "Do we want militancy that we read about everyday in the news which causes horror and dissension - - or can we feel appreciation for a self disciplined true educator, who teaches by precept and example, words and deeds, that the masterful tool facing the future of the world today is the use of the intellectual wits and expression of truly sincere results of a well learned wholesome program.

Even a small child realizes the fact that all things can't be accomplished at once and that it took time to create the world. Certainly Dr. Covington, with all this ingenious ability, as has been pointed out in previous gripes, cannot renovate the University overnight.

I hope the NCAE is not making the wrong decision since there are thousands watching the outcome of this widely publicized controversy. I would like to see them help to find a good replacement for one who would be forcefully replacing himself, therefore still causing confusion.

As many other alumni and friends support Dr. Covington, I most certainly offer my support and prayer for the institution's welfare.

Mrs. Thelma Koger Small

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