

## Proposed Changes to the Erie County Charter

### ARTICLE V

#### DEPARTMENT OF HEALTH

Section 501. County health district and department; commissioner; qualifications; appointment and term.

502. Powers and duties of the commissioner.

503. Board of health.

504. Sanitary code.

505. County laboratory district; county laboratory; director.

506. **REPEALED**

507. Division of Emergency Medical Services (E.M.S.) and Public Health Preparedness/Response

Section 501. County health district and department; commissioner; qualifications; appointment and term. The county, including the cities, towns and villages and special districts situated therein, shall continue to be a county health district. There shall be a department of health headed by a commissioner. The county executive shall appoint as commissioner of health a physician duly licensed to practice medicine in the state of New York, who shall be experienced in public health administration and shall possess such qualifications as are prescribed in the state sanitary code or otherwise by the public health council of the state of New York. Such appointment shall be subject to confirmation by the county legislature, [and shall be for the term or balance thereof of the county executive making such appointment] The term of such appointment shall be as provided for a county health commissioner by the public health law.

**Amended by Local Law No. x-2006**

Section 502. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of health shall have all the powers and perform all the duties conferred or imposed upon county health commissioners and/or county boards of health by law. He shall perform such additional and related duties as the county executive may prescribe.

Section 503. Medical examiners. The commissioner shall supervise and be responsible for, and shall appoint and have charge of the county medical examiners and their staff, which county medical examiners shall be physicians duly licensed to practice in the state of New York. The medical examiners shall have such powers and duties as are or may be prescribed by any state law, county law, special act, or local law including [any duties previously assigned to the medical director as regards] inquiries into deaths occurring without medical attendance. The chief medical examiner shall be keeper of the morgue.

Amended by Local Law No. 4-1984.

**Amended by Local Law No. x-2006**

Section 504. Board of health. There shall be in the department a board of health, the members of which shall be appointed by the county executive. The composition of such board in regard to the number of members and professional, governmental or other representation, and the terms of such members, shall be as provided in the public health law for a county board of health. The board of health shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the preservation and improvement of the public health and on matters relating to services and facilities of the county laboratory.  
Amended by Local Law No. 8-1989.

Section 505. Sanitary code. The board of health may formulate, promulgate, adopt and publish rules, regulations, orders and directions relating to health in the county, which shall not be inconsistent with the public health law or the state sanitary code. Such rules, regulations, orders and directions shall be known as the county sanitary code. Any and all provisions of the Erie county sanitary code in effect at the time of adoption of this charter shall remain in full force and effect until amended or repealed by the board of health. No amendment of the county sanitary code with respect to the establishment or revision of schedules of fees by the board of health shall take effect until such amendment is ratified by the county legislature. If the legislature shall not ratify, modify or reject such amendments within sixty days following the presentation of such amendments to the clerk of the legislature by the board of health, then such amendments shall be deemed ratified.

The provisions of the county sanitary code shall have the force and effect of law. Penalties for violation of or non-conformance with such code shall be as provided by such code or other applicable law. Certified copies of such code shall be received in evidence in all courts and proceedings in the state.  
Amended by Local Law No. 1-1994  
Amended by Local Law No. 9-1994.

Section 506. County laboratory district; county laboratory; director. The county, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the department an Erie county laboratory headed by a [an assistant] director. The [county executive] county health commissioner shall appoint as laboratory [assistant] director a person who shall possess such qualifications as may be prescribed by the public health council of the state of New York for a clinical laboratory director. Such appointment shall be for the term or balance thereof of the county health commissioner making such appointment.

The director shall exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the county charter, by the administrative code, by local law, by order or direction of the county executive, by order or direction of the commissioner of health and by any applicable act of the legislature not inconsistent with the county charter or the administrative code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a county laboratory board and the director of a county laboratory district by the public health law or other applicable law.

The director shall be responsible for the serological, bacteriological and other public health laboratory work for the county laboratory district, as required by the health commissioner. Except as otherwise provided in this charter, he shall exercise all powers and perform all duties of a county laboratory board.

Added by Local Law No. 8-1989.

**Amended by Local Law No. x-2006**

[Section 506. Division of Services to Persons with Special Needs; deputy commissioner. There shall be in the Department a Division of Services to Persons with Special Needs, headed by a deputy commissioner. The deputy commissioner shall be appointed by the commissioner and serve at the commissioner's pleasure. The deputy commissioner shall insure the continuance of beneficial programs and implement additional services in the County for adults and youths with special developmental and medical needs.]

Added by Local Law No. 6-2001.

**REPEALED by Local Law No. x-2006**

Section 507. Division of emergency medical services (EMS) and public health preparedness/response:

A. Deputy commissioner. The division of EMS and public health preparedness and response shall be headed by a deputy commissioner, who shall be appointed by the county commissioner of health, to serve at the pleasure of the county commissioner of health. The deputy commissioner of EMS and public health preparedness and response shall have and exercise any or all of the powers and duties vested in and imposed upon a county director of emergency medical services or a county emergency medical services coordinator by the laws of the state of New York and any related powers and duties heretofore or hereafter granted or imposed by the county charter, by the administrative code, by local law, ordinance or resolution of the county legislature, by order or direction of the commissioner of health or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

B. Emergency medical services (EMS) advisory board: The EMS advisory board shall be composed of no fewer than fifteen and no more than twenty-five members appointed by the county executive for two-year terms. At least nine of the members shall be active members of volunteer fire companies operating rescue squads or ambulance services and the remaining membership shall be elected officials or their representatives, representatives of ambulance services, hospitals, public health officers and other agencies, organizations or citizens involved in the planning or provision of emergency medical services. The county executive shall designate one of the members to serve as chairman. It will be the duty of such board to cooperate with the state health department's bureau of emergency medical services in effectuating the purposes for which the bureau was established in relation to programs for emergency medical services; to act as an advisory board to the county executive, the county legislature, the commissioner of health and the deputy commissioner of emergency medical services and

public health preparedness/response in connection with the county establishment and maintenance of a county emergency medical services and mutual aid program for medical and other emergencies in which the services of emergency medical personnel would be used; to perform such other duties as the county executive, county legislature, the commissioner of health and the deputy commissioner of emergency medical services and public health preparedness/response may prescribe in relation to emergency medical training and mutual aid for medical and other emergencies in which the services of emergency medical personnel would be used. Members of such board shall serve without compensation.

C. Specialized Medical Assistance Response Team (SMART). The deputy commissioner of EMS and public health preparedness and response shall, within available appropriations, recruit, organize, train, supervise and equip volunteers and/or employees to respond to Chemical, Biological, Radiological, Nuclear and Explosive (CNRNE) incidents and public health emergencies.

D. The deputy commissioner of EMS and public health preparedness and response shall assist the commissioner of public safety in the preparation and implementation of a comprehensive plan for disaster and emergency response by the county and related agencies, localities and services.

**Added by Local Law No. x-**

**2006**

[Section 1603. County laboratory; director; advisory board. The county, including the towns, cities, villages and special districts situated therein, shall continue to be a county laboratory district. There shall be an Erie county laboratory, headed by a director. The county executive shall appoint a laboratory director who shall possess such qualifications as prescribed by applicable state law and regulations. Such appointment shall be subject to confirmation by the county legislature and shall be for the term or balance thereof of the county executive making such appointment.

The director shall be responsible for the pathological, toxicological, serological, bacteriological, and other laboratory work for the county laboratory district, the county health district and the county hospital or hospitals. Except as otherwise provided in this charter, he shall exercise all powers and perform all duties of a county laboratory board. The county executive shall appoint a laboratory advisory board of nine members which shall at the request of the director, and may on its own initiative, advise on matters relating to laboratory facilities and services. The chairman of the board of health, the chairman of the hospital advisory board, the commissioner of health and the hospital superintendent shall be ex-officio members of such board. The five other members of such board at least two of whom shall be physicians licensed to practice in the state of New York, shall be appointed for five-year staggered terms.]

**Deleted by Local Law No. x-2006**

Amended by Local Law No. 5-1989.

Amended by Local Law No. 5-1984.  
Amended by Local Law No. 9-1972.

Underlined material; New

Bracketed material; [Deleted]