



King County King County Board of Health

Changes to the Membership of the King County Board of Health Resulting from HB 1152

Sam Porter, King County Council Central Staff, samantha.porter@kingcounty.gov, 206-263-9206

HB 1152

In 2021, the Washington State Legislature passed Engrossed Second Substitute House Bill 1152¹ (HB 1152) which required four primary changes to the King County Board of Health (KC Board):

1. There must be an equal number of elected to nonelected members;
2. One nonelected member must be selected by the American Indian Health Commission (AIHC);
3. The remaining nonelected members must be recruited and selected by the KC Board from the following three categories: Public health, health care facilities, and providers; consumers of public health; and other community stakeholders; and
4. The nonelected members would have voting power on all matters except those pertaining to setting or modifying permit, licensing, and application fees.

HB 1152 directs the Washington State Board of Health (State Board) to promulgate rules regarding the selection and appointment process for nonelected members. The State Board filed a CR-102 on February 25, 2022 with the state code reviser for chapter 246-90 WAC.² Based on their estimated rulemaking timeline, the State Board indicates that this rule will be effective July 1, 2022.³ All other changes resulting from HB 1152 go into effect July 1, 2022. Proposed Ordinance 2022-0103 which would effectuate changes to the composition of the KC Board would be effective January 1, 2023.



¹ HB 1152, <https://app.leg.wa.gov/bills/summary?BillNumber=1152&Year=2021&Initiative=false>

² Proposed Rulemaking, Chapter 246-90 WAC, submitted to the Washington Code Reviser, February 25, 2022 (WSR 22-06-063) <https://sboh.wa.gov/sites/default/files/2022-03/LBOH%20CR-102%20WSR%202206063.pdf>

³ Washington State Board of Health Current Rules and Activity, Local Board of Health Composition: <https://sboh.wa.gov/rulemaking/current-rules-and-activity/local-board-health-composition>

Current Board Composition

In accordance with state law, the King County Council was originally designated as the KC Board in 1993 through Ordinance 11178. In December 1995, Council adopted Ordinance 12098 which added four councilmembers from the City of Seattle, three electeds from suburban cities, and three health professionals to the twelve King County Councilmembers for a 22-member Board. Subsequent ordinances have been adopted which are reflected in King County Code Chapter 2.35. The current 11-member Board consists of three King County Councilmembers, three City of Seattle Councilmembers, two electeds selected by the Sound Cities Association (SCA), and three health professionals. While not codified, the current practice for elected member alternates is one each for King County and Seattle, and two for SCA. Current practice also indicates that the Chair of the Board is elected from the members from the King County Council; this practice is not codified.

King County Council Proposed Ordinance 2022-0103⁴

Proposed Ordinance 2022-0103 (PO 2022-0103) would make the following changes to the KC Board:

- Codify the current practice for elected member alternates and selection of the Chair,
 - Remove weighted voting for King County councilmembers,
 - Require an equal number of nonelected and elected members (regular and alternates),
 - Nonelected membership as follows (additional detail in Table 1 and 2):
 - One member selected by the AIHC,
 - Seven nonelected members recruited, selected, and appointed in accordance with state law and Washington State Board of Health Rules representing the following categories:
 - Public health professionals,
 - Consumers of public health, and
 - Community stakeholders.
- Nonelected members shall have the ability to vote except on legislation pertaining to fees; and
 - Set appointment procedures, term structure, and compensation for nonelected members.
 - Changes to KC Board membership effective January 1, 2023.

Elected Members. Proposed Ordinance 2022-0103 would retain the existing elected member positions on the Board and replace the three health professional positions on the Board with eight new nonelected member positions as described in the third, grey column of Table 1.

Terms. PO 2022-0103 outlines the proposed term structure for the nonelected membership of the KC Board but does not prescribe which nonelected members shall have which terms. Initial terms for nonelected members would be: two members serve a one-year term, three members serve a two-year term, and three members serve a three-year term.

Appointments. PO 2022-0103 would require the Board to transmit to Council a resolution naming their nonelected candidate selections and the AIHC candidate selections along with the name, biography, application materials and confirmation that each board member candidate selections meet the qualifications and requirements of state law and were recruited in accordance with the State Board rules. The KC Council would

⁴ PO 2022-0103 is scheduled to be heard in the King County Council's Committee of the Whole on March 16, 2022. A full staff report on this Proposed Ordinance will be published with the packet before the meeting.

then take action to appoint the candidate selections. PO 2022-0103 requires that these materials be transmitted to Council no later than October 28, 2022.

Compensation. Section 6 of PO 2022-0103 would allow compensation to be paid to nonelected regular and alternate members of the Board who are not being compensated for their participation through their employer. The rate of compensation would be \$225 per full board meeting attended, not to exceed that amount each month. Beginning January 1, 2024, and each year thereafter, the compensation amount would be automatically adjusted annually at the rate equivalent to the twelve-month change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers for the Seattle-Tacoma-Bellevue Statistical Metropolitan Area (CPI-U). If the twelve-month change in the CPI-U is negative, there would not be an adjustment.

Table 1.
Current and Proposed Membership of the KC Board of Health

Elected Members	Health Professionals	Proposed Nonelected Members
King County	Health Professional	AIHC Selection
King County	Health Professional	Category in RCW 70.05.035(1)(a)
King County	Health Professional - nonvoting	Category in RCW 70.05.035(1)(a)
City of Seattle		Category in RCW 70.05.035(1)(a)
City of Seattle		Category in RCW 70.05.035(1)(a)
City of Seattle		Category in RCW 70.05.035(1)(a)
Sound City Association		Category in RCW 70.05.035(1)(a)
Sound City Association		Category in RCW 70.05.035(1)(a)
<i>King County Alternate</i>		<i>AIHC Alternate</i>
<i>Seattle Alternate</i>		<i>Alternate</i>
<i>SCA Alternate</i>		<i>Alternate</i>
<i>SCA Alternate</i>		<i>Alternate</i>

Table 2.
Three Categories for Nonelected Members in RCW 70.05.035

Public Health Providers and Facilities	Public Health Consumers	Other Community Stakeholders
<p>People practicing or employed in the county who are:</p> <ul style="list-style-type: none"> ▪ Medical ethicists, ▪ Epidemiologists, ▪ Experienced in environmental health, ▪ Community health workers, ▪ Individuals with master's degrees or higher in public health or the equivalent, ▪ Employees of a hospital located in the county, ▪ Physicians or osteopathic physicians, ▪ Advanced registered nurse, ▪ Registered nurses, ▪ Physician assistants or osteopathic physician assistants, ▪ Dentists, ▪ Naturopaths, or ▪ Pharmacists. 	<p>County residents who self-identify as:</p> <ul style="list-style-type: none"> ▪ Having faced significant health inequities, ▪ Having lived experiences with public health-related programs such as: <ul style="list-style-type: none"> ▪ Special supplemental nutrition program for women, infants, and children (WIC), ▪ Supplemental nutrition program (SNAP), ▪ Home visiting, or ▪ Treatment services. 	<p>People representing the following types of organizations operating in the county:</p> <ul style="list-style-type: none"> ▪ Community-based organizations or nonprofits working with populations experiencing health inequities in the county, ▪ Active, reserve, or retired armed services members, ▪ The business community, or ▪ The environmental public health regulated community.

Washington State Board of Health Rules

The Washington State Board of Health is directed by HB 1152 to promulgate rules establishing requirements for the recruitment, selection and appointment process of nonelected members of local boards of health. On February 25, 2022, the State Board filed a CR-102 Proposed Rule with the state code reviser for chapter 246-90 WAC.⁵ The formal public comment period for the Proposed Rule is anticipated to run through March 2022 with a public hearing in April 2022. According to the estimated rulemaking timeline provided by the State Board these rules are anticipated to be effective July 1, 2022 which is the same day HB 1152 is effective.⁶

The proposed rule provides general guidance for how local boards of health should conduct their recruitment of new nonelected members. Currently the rule states that local boards must actively recruit applicants in a way that solicits a broad pool of candidates representing a diversity of expertise and lived experience, local boards must provide reasonable advanced notice for applicants, post vacancy announcements in public places in all geographic regions represented by the Board, in the newspaper of record for the county, and make announcements available in languages upon request. Additionally, local boards must work with local community organizations to distribute vacancy notices. The rule encourages local boards to work with those organizations to identify potential applicants for nonelected positions.

The proposed rule allows the Board to use their discretion regarding whether to require nonelected members serving in the other community stakeholder or public health, health care facilities, and provider positions to reside within King County. Nonelected members representing the consumer category are required to reside in King County. The proposed rule requires that all applicants for nonelected positions be interviewed in a panel format by the Board using a standard set of questions. The nonelected members selection process must be consistent with the Open Public Meetings Act.⁷

When assessing candidates for nonelected positions, the proposed rule requires that local boards take into consideration the following:

- a. Service, current or past, on other local boards or commissions;
- b. Whether the applicant's background meets the qualifications of the applicant's selected category or categories as defined in WAC 246-095-010;
- c. Potential conflicts of interest;
- d. The applicant's demonstrated commitment to public health;
- e. Whether the applicant represents a diversity of expertise and lived experience;
- f. Whether the applicant represents the geographic diversity of the community; and
- g. Whether the applicant identifies with a historically underrepresented community.

Lastly, the proposed rule states that the final membership must include, "a balanced representation of elected officials and nonelected people with a diversity of expertise and lived experience."

⁵ Proposed Rulemaking, Chapter 246-90 WAC, submitted to the Washington Code Reviser, February 25, 2022 (WSR 22-06-063) <https://sboh.wa.gov/sites/default/files/2022-03/LBOH%20CR-102%20WSR%202206063.pdf>

⁶ Washington State Board of Health *Composition of Local Board of Health* Rule Timeline, <https://sboh.wa.gov/sites/default/files/2022-01/WSBOH-LocalBoardOfHealthRuleTimeline.pdf>

⁷ 42.30 RCW

KC Board of Health Legislation

The Board of Health may wish to consider taking up a Rule and Regulation in 2022 to make changes to sections of BOH Code 2.04 affected by HB 1152 and PO 2022-0103. A preliminary analysis indicates that Rules 1, 2, 3, 6, and 8 may need such changes. Additionally, in response to PO 2022-0103 the Board will need to adopt one or more resolutions identifying their nonelected candidate selections and the AIHC selections to transmit to Council along with the materials described in PO 2022-0103 for confirmation. This resolution must be adopted no later than at the October Board meeting to give department staff time to transmit materials to KC Council for consideration and adoption before the last Council meeting of 2022.

Nonelected Board Member Recruitment & Selection Process

Susie Levy, Board of Health Administrator, slevy@kingocounty.gov, 206-263-8328

KC Board Recruitment and Selection Process

In Accordance with HB 1152, the State Board Proposed Rule CR-102 and PO 2022-0103, the Board is tasked with recruitment and selection of non-elected members and must meet State and local requirements as described above. The Board may wish to consider the timeline below in order to meet the deadline to submit a resolution to the King County Council by October 28th, 2022.

January-April 2022: Establish process, plans, and materials

Recruitment, application, outreach, and engagement materials will be drafted by PHSKC staff at the direction of the Board. h. The Board may choose to establish a subcommittee to lead the recruitment work and selection process. A subcommittee could include representation from each Board caucus as well as appropriate county.

May- June: Active recruitment

Application process will open, and nonelected board positions will be advertised as outlined in the State Board Proposed Rule CR-102. This process includes working with community-based organizations to advertise open nonelected Board seats in accordance with the State Board rule. In addition to required actions, the Board may consider hosting a virtual open house in partnership with PHSKC's Office of Equity and Community Partnerships.

July-October: Selection

If the Board chooses to establish a subcommittee, the subcommittee would review applications and evaluate candidates based on their qualifications and criteria outlined in State Board Proposed Rule CR-102 and state law. If the Board receives a "substantial" number of applicants, the State Board draft rule allows the Board to interview a smaller number of applicants as long as the applicants interviewed include a diversity of expertise and lived experience. The full Board would ultimately decide which applicants to recommend for appointment by the King County Council and name them in one or more Board resolutions. The Board is required to transmit materials identifying their nonelected Board member candidate and alternate selections to the Council by October 28, 2022.