

April 8, 2021

Dear Commissioners, Boice, Herzog, and Paasch:

We understand that the last eighteen months or so have been difficult for the county as you have taken on the public health work previously done by a contractor, and then had to respond to a global pandemic. However, it appears that the county is not currently capable of carrying out its duties under state law, or capable of carrying out its contractual responsibilities under the Intergovernmental Agreement for the Financing of Public Health Services, Agreement #159808 (FAA), or the Intergovernmental Agreement for Environmental Health Services, Agreement #154675 (EHS IGA). These are agreements that the Oregon Health Authority (OHA) and the county as the local public health authority, are parties. It is particularly vital as we work to get Oregonians vaccinated, that the county have adequate public health staff to meet the public health needs of its citizens. We understand that after April 12, 2021, Sherrié Ward will be the only public health staff working to fulfill the requirements of the FAA and EHS IGA, meaning she is responsible for all COVID-19 related disease investigations and vaccination efforts, WIC, environmental health services, and more. Of note, OHA rules require a local public health authority to have trained environmental health specialists on staff in order to conduct EHS inspections. OAR 333-012-0060.

In gathering information related to the county's compliance with the program elements in the FAA, we learned that schools and employers are responsible for doing their own contact tracing, reportable disease investigations and follow-up are not being carried out, WIC services are being provided outside of Curry County, there is extremely limited capacity to take action authorized during a public health emergency under ORS 433.441, there are no reproductive health services available in the community, and there are no licensing inspections in restaurants or tourist accommodations being carried out, because there are no staff. The county has been provided funds to perform these functions though it has failed to submit the required fiscal reports which would allow OHA to understand how the state's money is being spent.

Curry County is the local public health authority, responsible for appointing a local public health administrator who in turn is responsible for administering and enforcing the public health laws of this state, within the county. ORS 431.150(2). If a local public health administrator is failing to administer and enforce public health laws, OHA's director is required to take direct charge of the functions necessary to preserve public health in that jurisdiction. ORS 431.170. The expense of taking charge of these duties is to be borne by the local public health authority unless the local public health authority requests a transfer of its authority. ORS 431.170.

This letter serves as notice that OHA intends to take direct charge of the public health functions in Curry County necessary to preserve public health, which includes all communicable disease and COVID-19 response work, all COVID-19 vaccination efforts, and all environmental health services work, unless the county provides OHA with the following, no later than 5 p.m. on April 16, 2021:

- A written explanation, with supporting documentation, of the work the County is currently doing as required under the FAA, and how the County intends to meet its contractual obligations on a sustained basis under the FAA with respect to these program elements:
 - PE #1, State Support for Public Health (including COVID-19 response).
 - PE #12, Public Health Emergency Preparedness.
 - PE #40, WIC.
 - PE #43, Immunization Services.
 - PE #46, Reproductive Health Community Participation & Assurance of Access.
 - PE #50, Safe Drinking Water Program.
- A written explanation, with supporting documentation, of how the County intends to meet its contractual obligations under the EHS IGA.
- Documentation that the County has sufficient, trained staff to carry out the responsibilities under the FAA and EHS IGA or has contracts in place that meet the requirements in OAR 333-014-0570 (OHA is required under the rules to get prior notice of these contracts, unless the county cannot do so for reasons outside of its control). This documentation must describe the job duties of all staff or contractors and the work they will do under the FAA and the EHS IGA.
- If the County executes subcontracts for work required under the FAA and EHS IGA, a description of who will monitor these subcontracts, and how they will be monitored, as required under OAR 333-014-0570(4).
- If the County is going to enter into a subcontract for inspections that are required under the EHS IGA, a description of how the County intends to ensure that it can carry out the required governance functions. See OAR 333-014-0580.

If the county cannot fulfill its obligations under law or contract for public health services and activities within its jurisdiction, the governing body of a local public health authority can pass an ordinance transferring that authority to OHA, under ORS 431.382. You may wish to consider this option.

We look forward to receiving the information described above, by April 16, 2021. Please send this information to Kari Christensen at [kari.a.christensen@\[REDACTED\]](mailto:kari.a.christensen@[REDACTED])

A handwritten signature in black ink that reads "Rachael Banks". The signature is written in a cursive, flowing style.

Rachael Banks, MPA
Public Health Director
Oregon Health Authority

CC:

