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County Health Authority

March 2, 2012 by [Julie Anderson](#)

### **Updated February 2024 to Reflect Legislative Changes**

The Texas Legislature has delegated counties and municipalities the power to appoint one physician as the county health authority within their jurisdiction. Counties and municipalities with health departments appoint the medical director as the local health authority. Those without health departments appoint a local physician in private practice as the health authority. The director of a regional office of the Texas Department of State Health Services (DSHS) may serve as the health authority of a municipality or county within that region at the request of the Texas Board of Health (Board).

The county health authority is appointed by the County Commissioners Court to a two-year, renewable term of office.

### **Constitutional Authority**

The sovereign state of Texas has the right and function to protect its citizens by enacting laws to promote order, safety, health, and the general welfare of its people. Public health laws are an exercise of the “police power.” However, individual rights must be respected by due process, which dictates that:

1. the action must be for the public good; and
2. the action must be reasonable.

However, individual rights must give way to the general welfare of the public. In most instances, public health laws are enforced by a court order that is granted after a consideration of the medical and other facts in the case, taking into account no more inconvenience to the individual than is necessary.

### **Legal Authority**

The county health authority is a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing. This physician is appointed under the provisions of Chapter 121 of Vernon’s Civil Statutes Health and Safety Code to administer state and local laws relating to public health within the appointing body’s jurisdiction. The health authority must take and subscribe to the official oath and file a copy with the Board.

The health authority advises the Commissioners Court or city officials on health-related matters and also enforces laws that protect the health of that jurisdiction. The local health authority is assisted by DSHS regional staff in epidemiological investigations and in providing certain laboratory and public health nursing services. The medical judgment of the health authority guides health law enforcement.

### **General Duties**

The county health authority:

1. establishes, maintains, and enforces quarantine in the health authority's jurisdiction;
2. aids the Board in relation to local quarantine, inspection, disease prevention and suppression, birth and death statistics, and general sanitation;
3. reports the presence of contagious, infectious, and dangerous epidemic diseases to the Board in the manner and at the times prescribed by the Board;
4. reports to the Board on any subject on which it is proper for the Board to direct that a report be made; and
5. aids the Board in enforcing the following within the jurisdiction of the health authority:
  6. proper rules, requirements, and ordinances;
  7. sanitation laws; quarantine laws; and vital statistics collections.

### **Local Duties**

The health authority also must serve the Commissioners Court, which may take action or adopt rules necessary or expedient to promote health or suppress disease; to prevent the introduction of a communicable disease into the community; establish, maintain, and regulate hospitals; and abate nuisance injurious to the public health. The court may fine a person who fails or refuses to observe the orders and rules of the health authority.

### **Specific Duties**

The Texas Communicable Disease Prevention and Control Act specifies tasks that the health authority must accomplish in disease prevention, reporting and investigation, disease control, powers to suspend elective hospital admissions, limitation of liability of those in compliance, exemptions based on religion, prohibited acts, and quarantine.

The health authority is responsible for abatement of nuisances in the environment as defined in the Minimum Standards of Sanitation and Health Protection Measures.

The health authority may also be appointed by the court as the officer for the purpose of the Rabies Control Act, or an independent officer may be appointed. However, professional direction is provided by the physician health authority.

The health authority has special responsibilities according to the provisions of the Texas State Disaster Plan in disaster planning, disaster drills, response to disasters, disaster operations, disaster coordination response, damage assessment, public information, and rendering reports.

The health authority also is required to sign official documents to warrant that nursing homes, custodial care homes, maternity care homes, and other similar facilities are healthful habitations for residents, which affords an opportunity for local government intervention.

### **Legislative Changes**

During the 87th Session of the Texas Legislature, lawmakers passed several bills that affected the county health authority and/or public health.

1. H.B. 2073 requires that the Commissioners Court adopt a quarantine leave policy for certain employees who are ordered to quarantine by the county health authority or their supervisor.
2. S.B. 464 clarified the role of a part-time county health authority.
3. S.B. 967 provided that a public health order by the county health authority expires in 15 days unless extended by the Commissioners Court.
4. S.B. 968 added the local health authority to the definition of a “local public health entity” for purposes of agreements to exchange public health data with the Texas Department of State Health Services and repealed the authority of the governor to terminate local health authority orders.

During the 88th Session of the Texas Legislature, lawmakers passed S.B. 29 which repealed the county’s authority to implement or enforce a vaccine mandate, mask requirement, or business or school closure to prevent the spread of COVID-19. S.B. 29 went into effect on Sept. 1, 2023.

### **Conclusion**

Any trade, occupation, or profession can be regulated in the interest of public health, such as roadside food vendors and public pool operators, and these regulations can be enforced by the health authority.

Ultimately, the county health authority is responsible for establishing, maintaining, and enforcing laws relating to the general welfare and health of the local public. – *By A.C.*

*Walkes, M.D., former Jefferson County Health Authority. CJCAT Senior General Counsel Jim Allison contributed to this article.*

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