

## Memorandum

Date: May 6, 2022

RE: The Creation of Certified Local Health Departments and Public Health Districts

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This memorandum provides general information regarding establishing a certified local health department and summarizes the necessary process and procedures for the following scenarios: (i) a municipality creates its own certified health department; (ii) a municipality establishes a certified local health department with one or more other municipalities; and (iii) the establishment of a public health district.

### I. CERTIFIED LOCAL HEALTH DEPARTMENTS

#### A. Powers and Duties.

Pursuant to the Department of Public Health Act, the Illinois Department of Public Health (“**IDPH**”) is authorized to delegate to certified local health departments the powers and duties of IDPH for the purpose of local administration and enforcement. Certified local health departments are authorized to establish reasonable fees for the various licenses, permits, and activities performed pursuant to the delegation. 20 ILCS 2310/2310-15. Certified local health departments must enforce the rules, regulations, and orders issued by IDPH. 20 ILCS 2305/2.

#### B. Jurisdiction.

Certified local health departments are local health departments certified by IDPH that perform the core public health functions within their jurisdictions. County health departments have jurisdiction through the entire county except within any city, village or incorporated town, or combination thereof, of less than 500,000 inhabitants that maintains a local health department meeting the qualifications prescribed by IDPH. 55 ILCS 5/5-25008. Certified local health departments are also eligible to receive local health department grants.

### II. ESTABLISHMENT OF A CERTIFIED LOCAL HEALTH DEPARTMENT

Obtaining certification of a local health department is a three-step process: (A) initial organization of the department, (B) provisional certification, and (C) certification.

A. Initial Organization. Prior to seeking provisional certification of the local health department by IDPH, a municipality must create a local health department.

B. Provisional Certification. Ill. Admin. Code tit. 77, §600.200.

- Provisional certification is a pre-condition for formal certification.
- Local health departments with provisional certification from IDPH are eligible to receive the local health department grant.
- Provisional certification is valid for two years and can be renewed for up to 12 additional months.

C. Certification. Ill. Admin. Code tit. 77, §600.210.

- The application for certification, in a format provided by IDPH, must include an IPLAN or IPLAN equivalent.
- Certification is valid for five years and can be renewed for additional five-year periods upon the submission of an updated community health needs assessment and demonstration that the local health department continues to meet the certification requirements described further in Subsection II.D of this memo.

D. Certification Requirements.

- Personnel Requirements. Ill. Admin. Code tit. 77, §§600.300, 600.310, and 600.32
  - A certified local health department must have an executive officer who meets certain minimum qualifications of a Public Health Administrator or Medical Health Officer.
- Practice Standards: The local health department must meet the set forth in Ill. Admin. Code tit. 77, §600.400 and 600.410

### **III. ESTABLISHMENT OF CERTIFIED HEALTH DEPARTMENT WITH MORE THAN ONE MUNICIPALITY**

Two or more municipalities may form a joint certified local health department. The joint local health department requires the establishment of a local health board. The joint health department must then go through the provisional certification and certification process set forth in Section II of this memo.

The Illinois Administrative Code includes the following relevant definitions: *See*, Ill. Admin. Code tit. 77, §600.110.

- "Local health department" means a *local governmental agency* that administers and assures health-related programs and services within its jurisdiction.
- "Local public health jurisdiction" means the geographic area over which a local board of health has legal and regulatory authority.

### **IV. ESTABLISHMENT OF A PUBLIC HEALTH DISTRICT**

Pursuant to the Public Health District Act, any municipality, or two or more *adjacent* municipalities, in Cook County, may form a public health district, provided the total population within the public health district does not exceed 75,000. 70 ILCS 905/1. A public health district is governed by a board of health.

The formation of the public health district must be approved by referendum of a majority voters of the municipality or adjacent municipalities, after the filing of a petition containing the signatures of at least 10 percent of the population of the municipality, or two or more adjacent municipalities, within the proposed public health district.

Public health districts may be certified as local health departments by IDPH through the same process set forth in Section II of this memo. A public health district certified as a local health department has the same authority and responsibilities as a certified local health department; provided, however, that a public health district also has the authority to levy a public health tax.

Pursuant to the Public Health District Act, a public health district may impose a special "public health tax", not to exceed 0.1% of the value, as equalized or assessed by the Department of Revenue, of all taxable property within the public health district. 70 ILCS 905/15. A tax more than 0.1% but not exceeding 0.15% can be imposed by referendum.