

No. 17-17-OR

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying a new regulation of the Allegheny County Health Department promulgated pursuant to the authority granted to county departments of health under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12011 – 12028.

Whereas, Allegheny County, pursuant to the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12011 – 12028, created the Allegheny County Health Department, and the Allegheny County Board of Health; and

Whereas, the Local Health Administration Law at Section 12011 provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

Whereas, on May 3, 2017, the Allegheny County Board of Health adopted the attached new article to the Allegheny County Health Department Rules and Regulations, Article XXIII, “UNIVERSAL BLOOD LEAD LEVEL TESTING”;

Whereas, universal blood lead level testing will facilitate early detection and referral for treatment of lead poisoning; will reduce the incidence, impact and cost of lead poisoning; will inform parents and guardians of their children’s lead exposure; and will enable countywide surveillance of childhood lead poisoning. and

Whereas, it is the desire of Council to ratify the new Allegheny County Health Department regulations as approved by the Board of Health on May 3, 2017.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

SECTION 2. Ratification of Regulations.

Acting pursuant to the Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies Article XXIII, “Universal Blood Lead Level Testing”, of the Allegheny County Health Department Rules and Regulations attached hereto as Exhibit “A.”

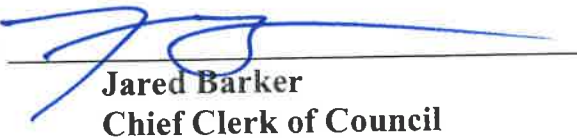
SECTION 3. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.*

SECTION 4. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 5th day of July, 2017

Council Agenda No. 10214-17


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office July 6, 2017

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Sonya Dietz
Executive's Secretary

Legislative Summary

Pursuant to the authority granted to it under the Pennsylvania Local Health Administration Law, Sections 12010(f) and 12011(c), on May 3, 2017 the Allegheny County Board of Health approved a new regulation, Article XXIII, "Universal Blood Lead Level Testing". This approval was preceded by a 30-day public comment period during which the Allegheny County Health Department ("ACHD") received thirty-two comments in support of the regulation and four comments in opposition to the regulation.

The new Article XXIII is made up of ten sections, with a summary of each provided below:

- **Section 1: Authority, Purpose, and Scope.** A description of the ACHD's authority under state law for adopting the regulation, a description of the purpose of the regulation (the detection and treatment of lead poisoning in county children), and a description of to whom the regulation applies (residents and schools of Allegheny County).
- **Section 2: Definitions.** Several key terms used throughout the regulation are defined by this section.
- **Section 3: Blood Lead Level Testing Requirements.** Establishes the requirement that children have their blood lead levels tested at approximately the ages of 9 to 12 months of age and again at 24 months of age; provides for more frequent testing of children considered at high risk for lead exposure; allows delays in testing for medical reasons; establishes a "catch-up" blood lead level test for children not previously tested; and establishes the methods to be used when conducting blood lead level tests.
- **Section 4: Exceptions.** Permits parents to forego having their child's blood level tested if testing is objectionable for religious or moral/ethical reasons and exempts testing when necessary for medical reasons.
- **Section 5: Responsibilities of Schools and School Administrators.** Requires that schools inform parents of the blood lead level testing requirement and that schools ascertain the blood lead level testing status of children prior to admission to kindergarten.
- **Section 6: School Reporting.** Establishes when, what, and how schools report blood lead level testing information to the ACHD.
- **Section 7: Responsibilities of the Department.** Requires that the ACHD provide schools with forms for reporting blood lead level testing data to the ACHD, requires

that the ACHD monitor schools for compliance with the regulation, and grants the ACHD access to the schools' data regarding blood lead level testing.

- **Section 8: Responsibilities of Health Care Providers.** Requires that health care practitioners test the blood lead level of Allegheny County children in accordance with the regulation and reminds them of requirements under Pennsylvania law to report lead testing data.
- **Section 9: Severability Clause.** Establishes that the provisions of Article XXIII are severable.
- **Section 10: Effective Date.** Establishes an effective date for the regulation of January 1, 2018.

The following pages contain the text of the regulation passed by the Board of Health on May 3, 2017. Since this is a new regulation, all the text is original. Therefore, no special formatting denoting added or deleted text has been applied to the document.

***** The remainder of this page has been left intentionally blank. *****

Exhibit "A"

ALLEGHENY COUNTY HEALTH DEPARTMENT

RULES AND REGULATIONS

ARTICLE XXIII. UNIVERSAL BLOOD LEAD LEVEL TESTING

Section 1. PURPOSE AND SCOPE.

Pursuant to the authority granted to the Allegheny County Health Department under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12010(f) and 12011(c), this regulation has been promulgated to improve the health of the children of Allegheny County. Universal blood lead level testing will facilitate early detection and referral for treatment of lead poisoning; will reduce the incidence, impact and cost of lead poisoning; will inform parents and guardians of their children's lead exposure; and will enable countywide surveillance of childhood lead poisoning. The regulation applies to all residents and schools of Allegheny County.

Section 2. DEFINITIONS.

Blood Lead Level. A measure of lead in the blood, measured in micrograms of lead per deciliter of whole blood ($\mu\text{g}/\text{dL}$).

Child. A natural person under 72 months of age who is a resident of Allegheny County.

Department. Allegheny County Health Department.

Director. The Director of the Allegheny County Health Department.

Health Care Practitioner. An individual who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Pennsylvania licensing agency or board.

Record of Blood Lead Level Testing. Any written or electronic document acceptable to the Director showing the date of blood lead level testing, including, but not limited to health care practitioner records, school health records, and other similar documents or history.

Blood Lead Level Testing. A blood sample obtained either by venipuncture or finger stick capillary blood collection from a child not known to be lead poisoned or to have an elevated blood lead level in order to identify the child's risk of lead poisoning or elevated blood lead level.

Section 3. BLOOD LEAD LEVEL TESTING REQUIREMENTS.

A. *General Rule.* Blood lead level testing shall be performed in accordance with the following:

1. Children shall receive a blood lead level testing in accordance with the following schedule:
 - a. Each child shall be tested between approximately 9 months to 12 months of age and again at approximately 24 months of age.
 - b. All children designated as high risk, as determined by a health care practitioner and based on the child's exposure to lead and any other factors indicating high risk, should receive subsequent blood lead level testing as deemed appropriate by a health care practitioner.
 - c. Blood lead level testing may be delayed if the health care practitioner is not able to collect a sufficient blood sample for testing.
 - d. If a child has not had their blood lead level tested between approximately 9 months to 12 months of age and at approximately 24 months of age, then that child shall have their blood lead level tested as soon as possible after 24 months but before 72 months of age or entry into kindergarten, whichever is sooner.
- B. *Testing Methods.* Health care practitioners shall ensure that blood lead level testing is conducted either by venipuncture or by capillary blood sampling in accordance with current best practices. Capillary blood sample testing results of 5 µg/dL or greater shall be confirmed with a venipuncture test.
- C. *Exception.* If the parent or guardian of a child objects on the grounds enumerated in Section 4, below, then the testing required by Subsection A, above, may not be performed.

Section 4. EXCEPTIONS.

- A. *Medical Exemption.* Children need not have a blood lead level testing according to the schedule enumerated in Section 3, above, if a health care practitioner or his/her designee provides a written statement that blood lead level testing may be detrimental to the health of the child. When the health care practitioner determines that blood lead level testing is no longer detrimental to the health of the child, the child should have their blood lead level tested according to Section 3, above.
- B. *Religious Exemption.* Children need not have a blood lead level testing according to the schedule enumerated in Section 3, above, if the parent, guardian, or emancipated child objects in writing to the blood lead level testing on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.

Section 5. RESPONSIBILITIES OF SCHOOLS AND SCHOOL ADMINISTRATORS.

- A. The administrator in charge of every school shall appoint a knowledgeable person to perform the following:
 1. Inform the parent or guardian at registration or prior to registration, if possible, of the requirements of this regulation.

2. Ascertain the blood lead level testing status of every child prior to admission to kindergarten at the school.
- B. The parent or guardian of a child who has not had their blood lead level tested in accordance with Section 3 (relating to blood lead level testing requirements) shall be informed of the blood lead level testing requirement and advised to go to his/her usual source of care, or to the nearest Allegheny County Health Department location offering blood lead level testing, to obtain a blood lead level test.
 - C. Each school shall maintain on file a Record of Blood Lead Level Testing for every child enrolled in kindergarten at the school.
 - D. Failure to have or document the blood lead level testing required by Section 3, above, shall not prevent a child's attendance at school.

Section 6. SCHOOL REPORTING.

- A. Every public, private, parochial or nonpublic school, including intermediate units and special education, cyber and charter schools, in Allegheny County shall, after a child's entry to kindergarten and using forms provided by the Department, report blood lead level testing data to the Department by October 15 of each year.
- B. The school administrator or his/her designee shall forward the blood lead level testing data reports to the Department's Bureau of Assessment, Statistics & Epidemiology, or as otherwise designated by the Department.
- C. The content of the annual blood lead level testing data report shall include, at minimum, the following information:
 1. The identification of the school including the name of the school, the school district, the intermediate unit, and the type of school.
 2. The month, day, and year of report.
 3. The number of children entering kindergarten at the school.
 4. The number of children entering kindergarten at the school who have had their blood lead level tested.
 5. The number of children entering kindergarten at the school who did not have their blood lead level tested due to medical exemptions.
 6. The number of children entering kindergarten at the school who did not have their blood lead level tested due to medical exemptions or exemptions on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.
 7. Other information as required by the Department.

Section 7. RESPONSIBILITIES OF THE DEPARTMENT.

- A. The Department will provide the blood lead level testing data reporting forms to schools.
- B. The Department will monitor school districts for compliance with this regulation and will have access to school blood lead level testing data.

Section 8. RESPONSIBILITIES OF HEALTH CARE PRACTITIONERS.

- A. Health care practitioners shall perform blood lead level testing on children in accordance with the provisions of this Article.
- B. Health care practitioners shall report the results of blood lead level testing administered in accordance with applicable Pennsylvania law or regulation.

Section 9. SEVERABILITY CLAUSE.

The provisions of these Rules and Regulations are severable. Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

Section 10. EFFECTIVE DATE.

The provisions of these Rules and Regulations shall become effective on January 1, 2018.

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: June 15, 2017

RE: Proposed Ordinance

Attached is an Ordinance of the Council of the County of Allegheny ratifying a new regulation of the Allegheny County Health Department promulgated pursuant to the authority granted to county departments of health under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12011 – 12028.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

2017 JUN 15 PM 3:00
RECEIVED
COUNTY MANAGER'S OFFICE