

Problem Solving Techniques for Local Health Officer's

In general, complaints received at the Maine Center for Disease Control and Prevention will be addressed by referring the caller to the LHO web site and/or to the LHO. If the call is from the LHO for assistance, a MCDC Staff will address the question. If the question involves a program specific question such as drinking water, restaurant inspection, rabies, emergency response, school health, etc., the caller will be forwarded to one of the MCDC programs. In all cases, if the call needs to be referred to another state agency, make sure you give not only a contact name and number, but your name and number. Should the services of the on-call Epidemiologist be needed you can be transferred that individual. All calls from or about Local Health Officers to the MCDC should initially be made to the Maine Center for Disease Control and Prevention administration number which is (207) 287-8016.

General assistance to Local Health Officers is available at the Maine Center for Disease Control and Prevention's web site: http://www.maine.gov/dhhs/boh/local_health_officers.htm The attached flowchart will assist you in any complaint follow-up process.

If a complaint is received by MCDC staff, and it is a call from the public, we generally try to provide the caller the name and telephone number of the LHO. Problems relating to rental housing may be referred to the Consumer division of the Department of Attorney General at, in-state, (800) 436-2131, or out of state: (207) 626-8849.

What if the town says they are not responsible or have no LHO?

Maine law (T22 M.R.S.A. §451) states every municipality shall employ a LHO who shall be appointed by the municipal officers for a 3-year term. Should a town not have an appointed Local Health Officer, the statute states those duties will be passed to an elected official. Specifically, in the event of incapacity or absence of the LHO the chairman of the municipal officers shall perform the duties of LHO.

What is the level of responsibility that might be expected from a LHO?

Public employees can't be all things to all people. Local Health Officers and Code Enforcement Officers can only work within the state laws or local ordinances that are available. Many of the existing laws are over 40 years old and as a result they are written very generally and with today's court system, might not pass legal scrutiny. If a serious problem is before you and you can't get it resolved, the Town may have to enact a local ordinance. An important suggestion I have for many callers is if the Local Health Officer is confronted with a problem, all public employees have an obligation to assist the caller –whether or not there is a law or ordinance that covers that problem. You should, at the least, direct the caller to some place or some one where the answer will be found. In other words, assist by visiting the location and confirming or refuting the complaint raised by the caller. For example, the Local Health Officer could visit with the local fire chief or code officer (it is always a good thing to go with two to assist in verifying the problem). If you determine the complaint is valid (for example, a hole in an outside wall at an apartment building), you could speak to the landlord and inquire what he or she plans to do about the complaint.

Can our town employ our Code Enforcement Officer or Local Plumbing Inspector as the Local Health Officer? If so, are they permitted to be part-time as the CEO and LPI is?

The person appointed as Local Health Officer may hold other positions such as the CEO or the LPI. Since many complaints to LHOs involve "land use activities," many municipalities have combined the Code Enforcement Officer and Local Health Officer duties into one full time position. There is currently no restriction as to being employed part-time or full-time although the Maine Legislature this session did enact a bill authorizing the Department of Health and Human Services to set qualifications for LHOs.

Steps to Follow when Processing Complaints and Situations Reported to a LHO

*Note: The timeframes suggested below are only examples. The length of time you may ask for corrective action varies and should be directly related to how complex and how urgent the matter is. In very serious situations, you may simply go to court immediately and seek an injunction. In less serious situations, you may give the alleged offender 5 days to give you a rough plan of how he/she might correct the problem, with a 30 day follow-up after that.

Take notes of the call in a booklet designed for this purpose. Many times you can return to these notes in future actions which will save you time. If the complaint is about a third party, make sure you obtain all contact information including the name of the landlord, eating place, etc. Give the caller a date and time you anticipate following up to the call by making an on-site visit. In many situations you can ask the caller to obtain further information. For example, maybe the landlord, neighbor, or whoever the complaint is about hasn't been contacted yet. This is an important first step.



Visit site of complaint to corroborate the complaint. It is best to have someone else accompany the LHO. This person should be someone who may also have a special skill to reinforce those of the LHO. For example, a CEO is usually a good person to have on site, or the local fire chief as they are familiar with the National Fire Protection Association Life Safety Code®.



Discuss the problem with the owner or owner's representative. Since you will need to follow-up (*see above note) with a letter you have to document what is said at the meeting - ask probing questions to obtain information or intent that you can restate in the letter. If the person who complained can be present that may be preferable – but that is the LHO's decision. Tell the owner you will be following up with a letter and will expect him/her to respond within a short period (such as a few days) as to what his intentions are (not exactly how he/she will resolve the issue as that may take a week to a month, maybe longer)



In three days call the owner and ask what they are going to do. Do not accept a casual or disingenuous response as a solution. You must receive sufficient supporting statements from the owner so you have a good feeling that the action(s) will be carried out. This is done by asking questions in more depth such as who, what, when, where, and why? Take notes. Tell the owner you will expect action in 30 days (or less depending upon the severity of the situation).



If you have not already done this you must make sure you have the complete backing of the Board of Selectmen/Town Council/Mayor/City Manager. Eventually an elected official will have to take responsibility for giving the LHO the authority to undertake what you are trying to achieve.



At the appointed timeframe, contact the owner and determine the status of the corrective action. You should normally plan on someone else being with you to corroborate everything said, and just for another set of eyes. Insure that the owner understands that legal action will be taken if the problem isn't resolved.



If the problem hasn't been properly addressed, it may be time to establish a last chance letter. After this time, you will have to take further action. This may involve putting a lien on a property, going to court, committing the town to cleaning up the area (for example) and billing the owner.



If all else fails, be prepared to go to court. If there is nothing that you can do based on current law or ordinances, be prepared to suggest the person who complained taken action at District Court.