EDITORIALS AND COMMENTARIES

City Public Health Law

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The face of public health in New York City is about to change. On November 6, 2001, the electorate approved a referendum amending the City Charter to merge the Department of Health (DOH) and the Department of Mental Health, Mental Retardation, and Alcoholism Services (DMH). For the merger to be effective, employees have to be functionally transferred, pursuant to the state Civil Service Law, into the new agency, the New York City Department of Public Health (DPH), and budget codes need to be modified in order to accommodate the new department. For this reason, the merger will actually be finalized at the beginning of the city's fiscal year 2003, in July 2002. At that point, the legal existence of DPH will begin, and DOH and DMH will cease.

As we enter this new era, DPH faces many challenges; some of them of long-standing and some more recent. Of course, our battles with acquired immunodeficiency syndrome (AIDS), mental disabilities, sexually transmitted diseases, alcoholism, tuberculosis, substance abuse, and all forms of communicable diseases continue, as does the department's regulatory function as a permit-issuing official for restaurants, day-care services, mobile food vending, and the like. Programs providing school health services and assisted outpatient treatment are ongoing. More recent activities related to West Nile virus, bioterrorism, and the aftermath of the World Trade Center disaster will have the new department's attention. The laws that underlie the department's authority include, but are not limited to, the state Public Health Law, the state Mental Hygiene Law, the City Charter, the City Administrative Code, and, of course, the New York City Health Code.

Another significant change to come out of the City Charter Revision involves the New York City Board of Health. Heretofore, the board consisted of five individuals, including the health commissioner as chair of the board. The revised charter expands the board to 11 members, still including the commissioner as chair, provides for greater diversity of professional expertise and specifies that the chair of the Mental Hygiene Advisory Board be a member of the Board of Health. The Mental Health Advisory Board is required under chapter 23 of the charter relative to DMH and will continue to be required under the revised chapter 22 for DPH. In an extraordinary delegation of legislative authority that has long been recognized and upheld by the courts, the main function of the Board of Health is to promulgate the Health Code, the city's main body of health laws. The mayor appoints the members of the board subject to the city council's advice and consent. The former board will continue to exist until the new board is fully constituted or until June 1, 2002, whichever is earlier.

It is expected that the merged agency, and the expanded Board of Health, will build on the strengths of each of the former agencies to better protect the physical and mental health of the public.