



MISSOURI PUBLIC HEALTH AUTHORITY Legal Technical Assistance

Cross-jurisdictional Public Health Resource Sharing

Question Presented:

If a local public health agency wants to develop a resource or service sharing agreement with another jurisdiction, what legal considerations are there?

Discussion:


This memorandum includes a discussion of Missouri state law regarding local authority to engage in cross-jurisdictional resource or service sharing. The resources in this document may serve as guidance to support local public health agencies (LPHAs) in preparation for discussions on cross-jurisdictional sharing with their legal counsel; however, this is not an exhaustive list of considerations.

The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their jurisdiction.

I. Missouri State Law

State law authorizes political subdivisions to contract with one another for a common service, provided that the contract or cooperative action is within the scope of the powers of the political subdivisions.¹ The definition of political subdivision includes counties and any other public subdivision with the power to tax.² Though not all local public health agencies in Missouri have the power to tax, LPHAs formed under Chapter 205 of the Revised Statutes of Missouri and governed by a board of trustees may levy taxes for public health purposes and may enter into contracts and agreements for the furtherance of health activities.³

Counties may enter into contracts for common services by order of the county commission.⁴ Other political subdivisions may enter into such contracts by resolution of its governing body or officers made and entered in its minutes of proceedings, which must provide the terms agreed upon by the contracting parties.⁵ The execution of all contracts entered into by a political subdivision of the state must be authorized by a majority vote of the members of the governing body.⁶ A joint contract may also provide for the establishment and selection of a joint



board, commission, or officer(s) to supervise and manage the joint services and for the powers and duties, terms of office, any compensation, and other provisions.⁷

Regarding costs, “[a]ny such municipality or political subdivision may provide for the financing of its share or portion of the cost or expenses of such contract or cooperative action in a manner and by the same procedure for the financing by such municipality or political subdivision of the subject and purposes of said contract or cooperative action if acting alone and on its own behalf.”⁸ And with respect to immunity and liability, “[a]ll officers acting under the authority of the municipality or political subdivision pursuant to such agreement or cooperative action under the provisions of sections 70.210 to 70.320 shall be deemed to be acting for a governmental purpose and shall enjoy all the immunities and shall be subject to the same liabilities which they would have within their own territorial limits.”⁹

II. Cross-Jurisdictional Sharing

LPHAs may be interested in sharing staff, resources, or services with one another both for routine public health activities and in emergency response situations to deliver public health services more efficiently and effectively. Sharing agreements may be executed on an as-needed basis, for the provision of specific services, to establish joint programs, or to consolidate public health agencies.

The checklists and resources in this and the following sections may serve as guidance to support LPHAs in preparation for discussions on cross-jurisdictional sharing with their legal counsel. The Center for Sharing Public Health Services published [A Roadmap to Develop Sharing Initiatives in Public Health](#). The resource outlines questions to consider at each phase of the development of a sharing initiative from planning to implementation. In addition to legal issues, the Roadmap considers implications related to governance, costs, service provision, workforce, logistics, communications, change management, timeline, performance management, data sharing, and monitoring and improvement. An [online step-by-step resource](#) is available as a companion to the Roadmap.


III. Developing Cross-jurisdictional Legal Agreements

Cross-jurisdictional service sharing will typically be governed by a legal agreement. The Network for Public Health Law and the Center for Sharing Public Health Services developed a [Guide for Developing Legal Documents Governing Cross-jurisdictional Sharing Arrangements](#). Though cross-jurisdictional sharing agreements are each based on unique needs, and so will have unique formats and characteristics, the Guide provides a checklist of components to consider including in such a legal agreement. The checklist walks through the background of an agreement, the scope, governance, duration, cost-sharing, and other legal issues.

IV. Human Resources

As outlined in the [Guide](#), human resources considerations may include issues related to personnel contracts such as workers’ compensation, union agreements, travel reimbursement, use of agency vehicles, and liability. For more detailed considerations related to human resources, the Center for State & Local Government Excellence and the Center for Sharing Public Health Services developed a checklist for [staff sharing in public health](#). To read case studies on staff sharing arrangements, visit: [Staff Sharing Arrangements for Local Public Health](#).

V. Data Privacy



In addition to a legal agreement governing the sharing of services, a data sharing agreement may be needed to ensure compliance with HIPAA and any applicable state and local privacy laws. The Network suggests completing the [Checklist of Information Needed to Address Proposed Data Collection, Access and Sharing](#) to prepare for a conversation with your legal counsel. Examples of [data sharing agreements](#) used by public health authorities are available on the Network's website.

VI. Sample Agreements

The Network for Public Health Law shares the following examples for demonstrative purposes only and has not vetted any of the sample agreements. Please confer with your legal counsel regarding requirements for legal agreements in your jurisdiction.

The Center for Sharing Public Health Services has several [sample agreements](#) available on its website. Examples of these agreements include:

- [Agreement for Sharing Employees](#)
 - A staff sharing agreement between two counties in Minnesota.
- [Memorandum of Understanding for HIV Partner Services](#)
 - An agreement coordinating the provision of HIV partner services between two counties in Wisconsin.
- [Memorandum of Understanding for Emergency Preparedness Technical Assistance](#)
 - An agreement between two counties in Wisconsin for the provision of technical assistance to strengthen a county's capacity for public health emergency response.
- [Mutual Aid Agreement for Incident Response](#)
 - An agreement coordinating mutual assistance in the event of a public health incident.
- [Memorandum of Understanding for a Regional Public Health Alliance](#)
 - An agreement between six rural counties in Michigan to cooperate to provide public health services.
- [Memorandum of Understanding for a Regional Public Health Collaborative](#)
 - An agreement between ten rural counties in Wisconsin to share and coordinate resources of personnel with particular skills.

The Public Health Accreditation Board offers additional resources, assessment tools, and sample agreements: [Tools for Service and Resource Sharing](#).

This document was developed by Susan Fleurant, JD, MPH, Staff Attorney, Network for Public Health Law – Mid-States Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

March 2024



SUPPORTERS

This work was made possible through a partnership with the Missouri Center for Public Health Excellence (MOCPHE) and funding from the Health Forward Foundation [Grant Number: FY22-03333]. Support for the Network is provided by the Robert Wood Johnson Foundation (RWJF). The views expressed in this document do not represent the views of (and should not be attributed to) MOCPHE, the Health Forward Foundation, or RWJF.



¹ Mo. Rev. Stat. § 70.220.

² “Political subdivision” is defined by statute as “counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, any board of control of an art museum, any 911 or emergency services board authorized in chapter 190 or section 321.243, the board created under sections 205.968 to 205.973, and any other public subdivision or public corporation having the power to tax.” Mo. Rev. Stat. § 70.210(3).

³ Mo. Rev. Stat. § 205.042.

⁴ Mo. Rev. Stat. § 70.230.

⁵ *Id.*

⁶ Mo. Rev. Stat. § 70.300.

⁷ Mo. Rev. Stat. § 70.260.

⁸ Mo. Rev. Stat. § 70.250.

⁹ Mo. Rev. Stat. § 70.290.