

IC 16-20-4

Chapter 4. City Health Departments in Second Class Cities

IC 16-20-4-1

Application of chapter

Sec. 1. This chapter applies to city health departments in second class cities.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-2

City health department defined

Sec. 2. As used in this chapter, "city health department" means a city health department in a second class city. The term includes a full-time local health department under this chapter.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-3

Formation and establishment

Sec. 3. Formation and establishment of a city health department is subject to the approval of the city fiscal body.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-4

Jurisdiction in city with full-time health department

Sec. 4. A county or multiple county health board and the board's officers do not have jurisdiction in any city having a full-time city health department.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-5

Authority of second class city to establish full-time city health department; exception in certain counties

Sec. 5. (a) Except as provided in subsection (b), the legislative body of a second class city may by resolution provide for a full-time city health department.

(b) A local official, city legislative body, city fiscal body, or county may not establish a full-time or part-time city health department in a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).

(c) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000) is void.

As added by P.L.2-1993, SEC.3. Amended by P.L.87-1994, SEC.8; P.L.95-1994, SEC.2; P.L.170-2002, SEC.101.

IC 16-20-4-6

Health board membership; qualifications

Sec. 6. The city health departments provided for by this chapter

shall be managed by a board of health consisting of seven (7) members appointed by the city executive, not more than four (4) of whom belong to the same political party. At least three (3) of the members must be licensed physicians. At least one (1) of the members must be a licensed veterinarian.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-7

Terms of office; vacancies

Sec. 7. (a) All members of the board shall be appointed for a term of four (4) years except that of the first appointees. The initial terms are as follows:

- (1) One (1) shall serve for a period of two (2) years.
- (2) Two (2) shall serve for a period of three (3) years.
- (3) Four (4) shall serve for a term of four (4) years.

(b) At the expiration of the respective terms, appointments shall be made to fill the vacancies for the following four (4) years.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-8

Vacancy; candidate list; qualifications

Sec. 8. (a) Whenever a vacancy occurs on a board, the city board of health shall provide to the appointing authority a list of five (5) individuals, at least three (3) of whom must have professional experience in one (1) of the following areas:

- (1) Medicine.
- (2) Nursing.
- (3) Health care administration.
- (4) Pharmacology.
- (5) Dentistry.
- (6) Veterinary medicine.
- (7) Engineering.
- (8) Environmental science.
- (9) Social work.
- (10) Legal profession.
- (11) School administration.

(b) The list must include at least one (1) licensed physician. When filling a vacancy, the appointing authority may select from the list provided by the city board of health.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-9

Removal; grounds

Sec. 9. A member of a city board of health may be removed by the appointing authority if the board member does any of the following:

- (1) Is absent from three (3) consecutive regular board meetings.
- (2) Is absent from four (4) regular board meetings in a calendar year.
- (3) Fails to perform the statutory duties of the office.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-10**Conflicts of interest**

Sec. 10. An individual who has a vested interest or may gain financially from any activity of the city health department or policy decision of the board is ineligible to serve on a city board of health.
As added by P.L.2-1993, SEC.3.

IC 16-20-4-11**Organizational meeting; officers**

Sec. 11. The board of each full-time city health department shall, immediately after appointment, meet and organize by electing a chairman, vice chairman, and other officers the board considers necessary.
As added by P.L.2-1993, SEC.3.

IC 16-20-4-12**Election meeting; regular meetings; special meetings**

Sec. 12. (a) The board of each city health department shall hold a meeting in January of each year, at which meeting officers shall be elected for the following calendar year.

(b) The board shall hold regular meetings quarterly in January, April, July, and October.

(c) The board shall hold special meetings:

(1) on a written request signed by three (3) members and filed with the local health officer; or

(2) on request of the health officer.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-13**Powers and duties**

Sec. 13. A board of health that manages a city health department under this chapter has the powers and duties prescribed for all health boards.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-14**Procedural rules**

Sec. 14. The board of each city health department may adopt procedural rules for the board's own guidance and as are necessary or desirable to protect, promote, or improve public health or to control disease not inconsistent with state statutes and rules of the state department.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-15**Offices and equipment**

Sec. 15. The board of each city health department shall provide, equip, and maintain suitable offices, facilities, and appliances for the health department.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-16

Officers and employees; duties; compensation; approval

Sec. 16. (a) The board of each city health department shall prescribe the duties of all officers and employees.

(b) The board shall fix compensation of all officers and employees. However, in counties having joint city-county full-time health departments, the prescription of duties and fixing of compensation is subject to prior approval by the city legislative body and the county executive of cities and counties maintaining the department.

(c) The city board of health may recommend compensation for any officer or employee of the board subject to approval by the city fiscal body.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-17

Annual report; contents

Sec. 17. The board of each city health department shall publish annually in pamphlet form, within ninety (90) days after the second Tuesday in January, for free distribution, an annual report showing the following:

- (1) As of January 1 of that year, the amount of money received from all sources.
- (2) The name of any donor.
- (3) How all money has been expended and for what purpose.
- (4) Other statistics and information concerning the work of the city health department as the board considers to be of general interest.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-18

Communicable disease control; inspections

Sec. 18. (a) The board of each city health department has the responsibility and authority to take any action authorized by state statute or rule of the state department to control communicable diseases.

(b) The board of each city health department or a designated representative may make sanitary and health inspections that are necessary to carry out the purposes of this chapter.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-19

Disease control powers and duties

Sec. 19. The board of each city health department shall do the following:

- (1) Investigate the existence of any contagious or infectious disease.
- (2) Adopt measures, not inconsistent with the rules of the state department, to arrest the progress of contagious or infectious disease.

(3) Make all necessary sanitary and health investigations and inspections.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-20

Health officers; qualifications; term of office

Sec. 20. (a) The board of each city health department shall appoint a health officer. The appointment is subject to the approval of the city legislative body.

(b) The health officer is the executive officer for the department and shall serve as secretary of the local board.

(c) The health officer must meet the following conditions:

(1) Be a citizen of the United States.

(2) Be a licensed physician or be eligible for such a license.

(d) A health officer serves a term of four (4) years unless removed for cause as provided in this title.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-21

Employment of personnel

Sec. 21. A city health officer may appoint and employ the professional, clerical, and other employees that are necessary and reasonable to carry out and perform the duties of the department.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-22

Department expenses and salaries; payment; authorization

Sec. 22. The board of each city health department shall authorize payment of salaries and all other department expenses from the proper fund.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-23

Professional employees; confirmation of appointment

Sec. 23. The board of each city health department shall confirm the appointment of professional employees who are appointed by the health officers and who meet the qualification requirements of the local board for the respective professional employee positions.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-24

Annual budget; submission for approval

Sec. 24. The board of each city health department shall submit an annual budget to the city fiscal body for approval of the annual budget at the regular time for consideration of annual budgets.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-25

Expenses appropriation; tax

Sec. 25. The fiscal body of the city shall annually make the

necessary appropriation for expenses of the full-time city health department even though the appropriation may exceed existing limitations. However, the tax may not exceed one (1) mill on each dollar (\$1) of assessed valuation of taxable property in addition to other health appropriations.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-26

Emergency appropriations

Sec. 26. An appropriation may be made, as emergency appropriations are made, to provide for the expenses of the operation of a full-time city health department, until appropriations are made available by the next regular annual budget after the full-time city health department has been authorized.

As added by P.L.2-1993, SEC.3.

IC 16-20-4-27

Transfer of revenue by cities in certain counties to county community health clinic

Sec. 27. (a) This section applies to each city having a population of:

(1) more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000); or

(2) more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000).

(b) Each year the fiscal officer of each city shall transfer to the community health clinic located in the county in which the city is located an amount equal to the revenue raised from a property tax rate of sixty-seven hundredths of one cent (\$0.0067) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the city.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

As added by P.L.2-1993, SEC.130. Amended by P.L.6-1997, SEC.165; P.L.170-2002, SEC.102.