

IC 16-20

ARTICLE 20. LOCAL HEALTH DEPARTMENTS

IC 16-20-1

Chapter 1. Powers and Duties of Local Health Departments

IC 16-20-1-1

Application; limited area

Sec. 1. (a) Powers and duties described in this chapter and IC 16-20-8 apply to all local health officers and local health boards. However, this article does not apply to a county that is subject to IC 16-22-8.

(b) The powers and jurisdiction of a local health officer or local board are limited to the area in which the officer or board serves.

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

IC 16-20-1-2

Operation as local government agency

Sec. 2. A local health department shall operate as an agency of local government administratively responsible to the appropriate county or city executive.

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

IC 16-20-1-3

Procedural rules

Sec. 3. The board of each local health department may adopt procedural rules for the board's guidance and to establish administrative and personnel policies of the local health department that are consistent with the administrative operating policy of the appointing authority.

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

IC 16-20-1-4

Board organization and officers

Sec. 4. The board of each local health department shall, immediately after appointment, meet and organize. The board shall elect a chairman, vice chairman, and other officers the board considers necessary.

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

IC 16-20-1-5

Annual budget

Sec. 5. The board of each local health department shall submit an annual budget to the county executive, county fiscal body, and city fiscal body concerned with approval of the budget at the regular time for consideration of annual budgets.

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

IC 16-20-1-6

Offices and equipment

Sec. 6. The board of each local 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 16-20-1-7

Annual report

Sec. 7. The board of each local health department shall publish in pamphlet form, within ninety (90) days after January 1, for free distribution, an annual report for the previous year showing the following:

- (1) 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 health department that the board considers to be of general interest.

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

IC 16-20-1-8

Health and planning services contracts

Sec. 8. (a) The board of each local health department may enter into contract with the state department, other local boards of health, other units of government, a private individual, or a corporation for the provision of health services within the board's jurisdiction. The private contracts are subject to approval of the county executive or city executive.

(b) A local board of health, a county executive, or a city fiscal body may contract with or purchase from any individual, organization, limited liability company, partnership, or corporation planning services considered essential to the development of an effective community health program.

As added by P.L.2-1993, SEC.3. Amended by P.L.8-1993, SEC.250.

IC 16-20-1-9

Duties of officers and employees

Sec. 9. The board of each local health department shall prescribe the duties of all officers and employees.

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

IC 16-20-1-10

Records; minutes

Sec. 10. The local health officer shall keep full and permanent records of the public health work of the local health department and minutes of all meetings of the board of the local health department.

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

IC 16-20-1-11

Monthly reports; approval; permanent records

Sec. 11. The local health officer shall make a monthly report of

the work done by the local health department to the board of the local health department. After the report is approved by the board, the local health officer shall make the report a permanent record.

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

IC 16-20-1-12

Activities reports to state department

Sec. 12. Reports of local health department activities shall be made to the state department, as required by the rules of the state department.

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

IC 16-20-1-13

Local health officer or representative; consultative meetings with state department; expenses

Sec. 13. (a) The local health officer or a representative of all county or city boards of health shall attend meetings of the state department, when requested by the state department, for consultation concerning any matter concerning public health.

(b) The expenses of the local health officer or representative must be paid out of the health fund of the county or the city where the board of health is established, in an amount determined by the local board of health.

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

IC 16-20-1-14

Personnel; delegation of duties on agent-principal relationship; requirements

Sec. 14. (a) Local health officers may appoint and employ public health nurses, environmental health specialists, computer programmers, clerks, other personnel, and an administrator of public health, subject to the confirmation of the local board of health, as is necessary and reasonable to carry out and perform the duties of the local health department.

(b) Except as provided in subsection (d), the employees of local health departments shall perform any of the duties of the health officer delegated by the health officer, with the approval of the local board of health, on the basis of an agent-principal relation.

(c) The public health personnel of local health departments:

- (1) must meet the minimum qualification requirements of the local board of health;
- (2) by local ordinance, become part of the county classification system for the respective public health personnel positions; and
- (3) shall perform additional duties prescribed by the rules of the state department and local board of health under the general supervision of the local health officer.

(d) If an appointee or employee of a local health officer is not a licensed water well driller under IC 25-39-3, the appointee or employee may not inspect the drilling of a water well.

As added by P.L.2-1993, SEC.3. Amended by P.L.105-1999, SEC.1.

IC 16-20-1-15**Compensation**

Sec. 15. (a) The board of city health departments shall recommend and the city fiscal body shall fix the compensation of employees of the city health department.

(b) The county fiscal body shall fix the compensation of the employees of county health departments, in the manner provided by IC 36-2-5 or IC 36-3-6, after consideration of the recommendations of the local board of health.

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

IC 16-20-1-16**Salaries and expenses; authorized payment**

Sec. 16. The board of each local 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 16-20-1-17**Vital statistics; birth and death records**

Sec. 17. (a) The local health officer shall collect, record, and report to the state department the vital statistics for the local health officer's area of jurisdiction.

(b) The local health officer shall be the registrar of births and deaths. After making a birth or death record, the local health officer shall, by the fourth day of each month, forward the original record to the state department.

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

IC 16-20-1-18**Financial assistance; approval**

Sec. 18. A health officer may, on behalf of the local board of health, receive financial assistance from an individual, an organization, or the state or federal government. The financial assistance must be approved by the county executive or city fiscal body and the local board of health.

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

IC 16-20-1-19**Enforcement**

Sec. 19. Local health officers shall enforce the health laws, ordinances, orders, rules, and regulations of the officer's own and superior boards of health.

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

IC 16-20-1-20**Proposed rules and ordinances; fiscal impact statement**

Sec. 20. A proposed rule of the state department or a local board of health mandating additional or revised local services must include a general fiscal impact statement of the rule or ordinance.

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

IC 16-20-1-21

Communicable disease control; powers

Sec. 21. Each local health board has the responsibility and authority to take any action authorized by statute or rule of the state department to control communicable diseases. The board of each local health department or a designated representative may make sanitary and health inspections to carry out this chapter and IC 16-20-8.

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

IC 16-20-1-22

Sanitary inspections and surveys of public buildings and institutions

Sec. 22. Local health officers may make sanitary inspections and surveys of all public buildings and institutions.

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

IC 16-20-1-23

Inspection of private property; property in which officer has interest

Sec. 23. (a) Except as provided in subsection (b), the local health officer or the officer's designee may enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.

(b) However, a local health officer, or a person acting under the local health officer, shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise. Any such inspection or any attempt to make such inspection is grounds for removal as provided for in this article.

(c) This section does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.

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

IC 16-20-1-24

Epidemic control; powers

Sec. 24. (a) Local health officers may order schools and churches closed and forbid public gatherings when considered necessary to prevent and stop epidemics.

(b) An individual who takes action under this section shall comply with state laws and rules.

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

IC 16-20-1-25

Unlawful conditions; abatement order; enforcement

Sec. 25. (a) A person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease.

(b) A health officer, upon hearing of the existence of such unlawful conditions within the officer's jurisdiction, shall order the abatement of those conditions. The order must:

- (1) be in writing if demanded;
- (2) specify the conditions that may transmit disease; and
- (3) name the shortest reasonable time for abatement.

(c) If a person refuses or neglects to obey an order issued under this section, the attorney representing the county of the health jurisdiction where the offense occurs shall, upon receiving the information from the health officer, institute proceedings in the courts for enforcement. An order may be enforced by injunction. If the action concerning public health is a criminal offense, a law enforcement authority with jurisdiction over the place where the offense occurred shall be notified.

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

IC 16-20-1-26

Injunctive enforcement; legal representation of health authorities

Sec. 26. (a) A local board of health or local health officer may enforce the board's or officer's orders by an action in the circuit or superior court. In the action, the court may enforce the order by injunction.

(b) The county attorney in which a local board of health or local health officer has jurisdiction shall represent the local health board and local health officer in the action unless the county executive employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.

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

IC 16-20-1-27

Service fees; disposition

Sec. 27. The board of each local health department may, with the approval of the county or city executive, establish and collect fees for specific services and records established by local ordinances and state law. However, fees may not exceed the cost of services provided. The fees shall be accounted for and transferred to the health fund of the taxing jurisdiction.

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

IC 16-20-1-28

Removal of local health officers; grounds; hearing rights

Sec. 28. (a) A local health officer may be removed only for failure to:

- (1) perform the officer's statutory duties; or
- (2) enforce the rules of the state department.

(b) Except as provided in IC 16-19-3-12, IC 16-19-3-13, and IC 16-19-3-15, a local health officer may be removed only by the

board that appointed the health officer.

(c) When removal of a local health officer is sought by the appointing authority, the local health officer is entitled to the following:

- (1) At least five (5) days notice.
- (2) An open hearing.
- (3) Representation by counsel.

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