

IC 16-20-2

Chapter 2. Local Boards of Health

IC 16-20-2-1

Application of chapter

Sec. 1. This chapter does not apply to a county that is subject to IC 16-22-8.

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

IC 16-20-2-2

Establishment and maintenance of local health department; adoption of health ordinances

Sec. 2. (a) Except as provided in IC 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b) The executive of a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000) may only establish and maintain one (1) local health department having countywide jurisdiction.

(c) The county executive 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) may adopt health ordinances that apply to the entire county.

(d) 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.2-1993, SEC.127; P.L.87-1994, SEC.7; P.L.95-1994, SEC.1; P.L.170-2002, SEC.98.

IC 16-20-2-3

Management of local health departments

Sec. 3. A local board of health shall manage each local health department established under this chapter.

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

IC 16-20-2-4

Composition of board

Sec. 4. A local board of health is composed of seven (7) members, not more than four (4) of whom may be from the same political party.

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

IC 16-20-2-5

Membership selection criteria

Sec. 5. The members of a local board of health shall be chosen as follows:

- (1) Four (4) persons knowledgeable in public health, at least two (2) of whom are licensed physicians. The other two (2) appointees may be any of the following:

- (A) A registered nurse licensed under IC 25-23.
 - (B) A registered pharmacist licensed under IC 25-26.
 - (C) A dentist licensed under IC 25-14.
 - (D) A hospital administrator.
 - (E) A social worker.
 - (F) An attorney with expertise in health matters.
 - (G) A school superintendent.
 - (H) A veterinarian licensed under IC 15-5-1.1.
 - (I) A professional engineer registered under IC 25-31.
 - (J) An environmental scientist.
- (2) Two (2) representatives of the general public.
 - (3) One (1) representative described in either subdivision (1) or (2).

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

IC 16-20-2-6

Appointment of members

Sec. 6. Except as provided in section 7 of this chapter, the county executive shall appoint the members of a local board of health.

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

IC 16-20-2-7

Appointment of members in certain circumstances

Sec. 7. (a) In the following counties, the county executive and the executive of the most populous city located in the county shall appoint the members of the local board of health:

- (1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (2) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).
- (3) A county having a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000).

(b) Except as provided in subsection (c), the executive of each second class city shall appoint a number of members of the board in the proportion that the city's population is to the total county population to the nearest whole fraction. The appointments made under this subsection shall be made in order, according to the population of a city, with the city having the largest population making the first appointments. The county executive shall appoint the remaining number of members of the county board of health.

(c) The members of the local board of health in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000) shall be appointed as follows:

- (1) Three (3) members shall be appointed by the executive of the most populous city in the county.
- (2) Four (4) members shall be appointed by the county executive.

As added by P.L.2-1993, SEC.3. Amended by P.L.191-1995, SEC.1;

P.L.170-2002, SEC.99.

IC 16-20-2-8

Removal of members

Sec. 8. A member of a local 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 during a calendar year.
- (3) Fails to perform the statutory duties of the office.

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

IC 16-20-2-9

Compensation of members

Sec. 9. Members of a local board of health may receive compensation for the performance of their duties as determined by the county fiscal body.

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

IC 16-20-2-10

Term of office; staggered terms

Sec. 10. (a) All members of a local board of health shall be appointed for a term of four (4) years.

(b) Unless otherwise required by law, after December 31, 1991, the board members serve staggered terms. The appointing authority shall appoint the members of a board in existence on December 31, 1991, and the initial members of a board established after December 31, 1991, as follows:

- (1) One (1) member must be appointed for one (1) year.
- (2) Two (2) members must be appointed for two (2) years.
- (3) Two (2) members must be appointed for three (3) years.
- (4) Two (2) members must be appointed for four (4) years.

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

IC 16-20-2-11

Vacancies; qualified replacements

Sec. 11. (a) Members of a local board of health continue to serve until their successors are appointed.

(b) When a vacancy occurs, the original appointing authority shall appoint a qualified person to serve the remainder of the unexpired term. A local 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) Hospital administration.
- (4) Pharmacology.
- (5) Social work.
- (6) Dentistry.

- (7) Veterinary medicine.
- (8) Engineering.
- (9) Environmental science.
- (10) Legal profession.
- (11) School administration.

(c) The list must include at least one (1) licensed physician. The appointing authority may select an individual from the list when filling a vacancy.

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

IC 16-20-2-12

Conditions of membership

Sec. 12. A member of a local board of health must meet the following conditions:

- (1) Be a citizen of the United States.
- (2) Reside in a county to which the local board of health provides health services.

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

IC 16-20-2-13

Conflict of interest

Sec. 13. An individual who has a vested interest or stands to gain financially from any activity of the local health department or a policy decision of the board is ineligible to serve on a local health board.

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

IC 16-20-2-14

Election of chairman

Sec. 14. At the first meeting of a local board of health each year, the members shall elect a chairman.

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

IC 16-20-2-15

Meetings; call; quorum

Sec. 15. (a) Meetings may be called by any of the following:

- (1) The chairman.
- (2) Four (4) members of the local board of health.
- (3) The local health officer.

(b) A majority of the members constitutes a quorum for the transaction of business.

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

IC 16-20-2-16

Health officer; appointment; certification; reappointment; duties

Sec. 16. (a) Each local board of health shall appoint a health officer to serve for a term of four (4) years. The health officer must be a licensed physician.

(b) The appointment shall be certified by the county executive and sent to the state department. The state department shall maintain a

record of the certification.

(c) The health officer is eligible for reappointment.

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

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

IC 16-20-2-17

Annual levy for maintenance of department; county health fund; appropriations; exception

Sec. 17. (a) The fiscal body of a county in which a local health department has been authorized shall assess a levy annually on the assessed valuation of taxable property for the maintenance of the county health department.

(b) The taxes shall be paid into the county treasury and placed in a special fund to be known as the county health fund. The fund shall be used only for the purpose of this title and shall be drawn upon by the proper officers of the county upon the properly authenticated vouchers of the local health department.

(c) Each county fiscal body shall appropriate from the county health fund money necessary to maintain the local health department.

(d) A tax levy provided for in this chapter may not be made upon property within the corporate limits of any city maintaining the city's own full-time health department.

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

IC 16-20-2-18

Transfer of revenue to community health clinic in certain counties

Sec. 18. (a) This section applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).

(b) Each year the county fiscal officer shall transfer to the community health clinic located in the county an amount equal to the revenue raised from a property tax rate of one hundred sixty-seven thousandths of one cent (\$0.00167) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the county.

(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.128. Amended by P.L.6-1997, SEC.164; P.L.170-2002, SEC.100.