

IC 16-19-4

Chapter 4. State Health Commissioner

IC 16-19-4-1

Commissioner as secretary and executive officer of executive board

Sec. 1. The state health commissioner, by virtue of the state health commissioner's office, is secretary and executive officer of the executive board.

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

IC 16-19-4-2

Commissioner; appointment; term; qualifications

Sec. 2. (a) The governor shall appoint the state health commissioner, who serves at the will and pleasure of the governor.

(b) The state health commissioner must hold an unlimited license to practice medicine under IC 25-22.5. It is the intent of the general assembly that the office of the state health commissioner be held by a person who is qualified by training and experience to administer the affairs of the state department.

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

IC 16-19-4-3

Commissioner; oath of office

Sec. 3. The state health commissioner shall take an oath of office before exercising the authority of the office of secretary or attending to full-time duties as the state health commissioner.

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

IC 16-19-4-4

Commissioner; ethics and conflicts of interest; practice of medicine

Sec. 4. (a) The state health commissioner is governed in the performance of the state health commissioner's official duties by IC 4-2-6 and IC 35-44.1-1-4 concerning ethics and conflict of interest.

(b) To learn professional skills and to become familiar with new developments in the field of medicine, the state health commissioner may, in an individual capacity as a licensed physician and not in an official capacity as state health commissioner, engage in the practice of medicine if the practice of medicine does not interfere with the performance of the state health commissioner's duties as state health commissioner.

As added by P.L.2-1993, SEC.2. Amended by P.L.126-2012, SEC.36.

IC 16-19-4-5

Commissioner; practice of medicine; liability of state

Sec. 5. Any medical care provided to a patient by the state health commissioner is provided by the state health commissioner in an individual capacity as a licensed physician and the state is not liable for any act performed by the state health commissioner in this capacity.

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

IC 16-19-4-6

Commissioner; salary

Sec. 6. The state health commissioner is entitled to receive a salary in an amount to be fixed by the executive board with the approval of the governor.

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

IC 16-19-4-7

Repealed

(Repealed by P.L.100-2012, SEC.49.)

IC 16-19-4-8

Divisions and subdivisions

Sec. 8. (a) The state health commissioner may, subject to the approval of the executive board, organize the personnel and functions of the state department into divisions and subdivisions to carry out the state health commissioner's powers and duties and the powers and duties of the state department.

(b) The state health commissioner may periodically consolidate, divide, or abolish divisions and subdivisions as is necessary to carry out those powers and duties.

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

IC 16-19-4-9

Commissioner to comment on proposed rules

Sec. 9. (a) This section applies:

(1) when a proposed rule is published in the Indiana Register by:

- (A) the office of the secretary of family and social services;
- (B) a division of family and social services; or
- (C) the office of Medicaid policy and planning; and

(2) if the state department has rule making authority in an area similar to the area that would be affected by the proposed rule.

(b) The commissioner shall submit written comments on a proposed rule to the entity described in subsection (a) that proposed the rule not more than thirty (30) days after the rule is published in the Indiana Register.

As added by P.L.11-1995, SEC.2.