

## **IC 16-22-8**

### **Chapter 8. Health and Hospital Corporation of Marion County**

#### **IC 16-22-8-1**

##### **Administrative adjudication, decision, or order defined**

Sec. 1. As used in this chapter, "administrative adjudication, decision, or order", means the administrative investigation, hearing, and determination of issues or cases applicable to a person, including the following:

- (1) Revocation or suspension of a license or permit.
- (2) Discharge of an official or employee, if that official or employee may only be discharged for cause.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-2**

##### **Repealed**

*(Repealed by P.L.266-2001, SEC.17.)*

#### **IC 16-22-8-2.1**

##### **Board defined**

Sec. 2.1. As used in this chapter, "board" refers to the board of a municipal corporation created under this chapter.

*As added by P.L.184-2005, SEC.5.*

#### **IC 16-22-8-3**

##### **Division defined**

Sec. 3. As used in this chapter, "division" means an administrative subdivision created by this chapter or by the board.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.6.*

#### **IC 16-22-8-4**

##### **Division director defined**

Sec. 4. As used in this chapter, "division director" and "director of a division" mean the chief executive officer of a division.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-5**

##### **Hospital defined**

Sec. 5. As used in this chapter, "hospital":

- (1) means a hospital (as defined in IC 16-18-2-179(b)) that is owned, operated, or managed by a municipality or political subdivision within the territorial jurisdiction of the corporation created by section 6 of this chapter; and
- (2) does not include state or federal owned or operated hospitals.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.7.*

#### **IC 16-22-8-6**

##### **Creation; powers**

Sec. 6. (a) There is created in a county containing a consolidated city a distinct municipal corporation known as "The Health and Hospital Corporation of \_\_\_\_\_ County".

(b) The municipal corporation, in its corporate name, may do the following:

- (1) Sue and be sued in a court of competent jurisdiction.
- (2) Enter into contracts.
- (3) Acquire and dispose of real, personal, and mixed property by deed, purchase, gift, grant, devise, lease, condemnation, or otherwise.
- (4) Make and adopt appropriate ordinances, regulations, orders, rules, and resolutions.
- (5) Do all things reasonable or necessary to carry out the work and perform the corporation's duties under this chapter.

*As added by P.L.2-1993, SEC.5.*

### **IC 16-22-8-6.5**

#### **Other powers of the governing board**

Sec. 6.5. (a) In addition to IC 5-14-1.5-6.1(b), the board may hold executive sessions concerning the division of public hospitals to do any of the following:

- (1) Discuss and prepare bids, proposals, or arrangements that will be competitively awarded among health care providers.
- (2) Discuss recruitment of health care providers.
- (3) Discuss and prepare competitive marketing strategies.
- (4) Engage in strategic planning.
- (5) Participate in a motivational retreat with staff or personnel if the board does not conduct any official action (as defined in IC 5-14-1.5-2(d)).

(b) IC 5-14-1.5-5, IC 5-14-1.5-6.1, and IC 5-14-1.5-7 apply to executive sessions held under subsection (a).

(c) The corporation may hold confidential, until the information contained in the records is announced to the public, records of a proprietary nature that if revealed would place the corporation at a competitive disadvantage, including the following:

- (1) Terms and conditions of preferred provider arrangements.
- (2) Health care provider recruitment plans.
- (3) Competitive marketing strategies regarding new services and locations.

*As added by P.L.91-2002, SEC.11 and P.L.100-2002, SEC.12.*

*Amended by P.L.184-2005, SEC.8.*

### **IC 16-22-8-7**

#### **Governing board; exercise of powers**

Sec. 7. The board shall exercise the executive and legislative powers of the corporation.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.9.*

### **IC 16-22-8-8**

#### **Governing board; membership; qualifications**

Sec. 8. (a) The board consists of seven (7) members chosen at large from the county in which the corporation is established.

(b) To be eligible to be selected or serve as a member of the board, an individual must have the following qualifications:

(1) Be a resident in the county.

(2) Have been a continued resident in the county for not less than three (3) years immediately preceding the first day of the member's term.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.10.*

#### **IC 16-22-8-9**

##### **Governing board; appointment of members; term**

Sec. 9. (a) The executive of the consolidated city shall appoint three (3) board members, not more than two (2) of whom may belong to the same political party. One (1) member must be a licensed physician.

(b) The board of commissioners of the county in which the corporation is established shall appoint two (2) board members who may not belong to the same political party.

(c) The city-county legislative body shall appoint two (2) board members who may not belong to the same political party. One (1) member shall be appointed for a two (2) year term, and one (1) member shall be appointed for a four (4) year term.

(d) Except as provided in subsection (c), a board member serves a term of four (4) years from the beginning of the term for which the member was appointed until a successor has qualified for the office. Board members are eligible for reappointment.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.11.*

#### **IC 16-22-8-9.1**

##### **Governing board membership limitation**

Sec. 9.1. A member of an appointing authority identified in section 9 of this chapter may not serve on the board.

*As added by P.L.100-2002, SEC.13. Amended by P.L.184-2005, SEC.12.*

#### **IC 16-22-8-10**

##### **Governing board; vacancies; party affiliation**

Sec. 10. (a) A vacancy occurs if a board member dies, resigns, changes residence from the county, or is impeached.

(b) If a vacancy occurs or upon the expiration of a term, a member's successor shall be appointed by the authority who originally appointed the member in accordance with this section.

(c) Not more than four (4) board members may belong to the same political party.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.13.*

#### **IC 16-22-8-11**

##### **Governing board; impeachment of member**

Sec. 11. A board member may be impeached under the procedure

provided for the impeachment of county officers.  
*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.14.*

#### **IC 16-22-8-12**

##### **Governing board; conflicts of interest**

Sec. 12. An individual is not prohibited from serving as a board member if the member:

- (1) has a pecuniary interest in; or
- (2) derives a profit from;

a contract or purchase connected with the corporation. However, the member shall disclose the interest or profit in writing to the board. The member shall abstain from voting on any matter that affects the interest or profit.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.15.*

#### **IC 16-22-8-13**

##### **Governing board; employment conflicts**

Sec. 13. A board member is ineligible to hold an appointive office or employment under the corporation.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.16.*

#### **IC 16-22-8-14**

##### **Governing board; compensation of members; waiver of compensation**

Sec. 14. A board member is entitled to receive one thousand two hundred dollars (\$1,200) each year and the member who is chairperson is entitled to receive an additional six hundred dollars (\$600) each year. These payments shall be made quarterly from funds appropriated for that purpose in the regular budget of the corporation. A board member may waive compensation by filing a written notice with the corporation.

*As added by P.L.2-1993, SEC.5. Amended by P.L.255-2003, SEC.46; P.L.184-2005, SEC.17.*

#### **IC 16-22-8-15**

##### **Governing board; regular and special meetings**

Sec. 15. (a) The board shall by rule provide for regular meetings to be held at a designated interval throughout the year.

(b) The chairperson or a majority of the members of the board may call a special meeting. The board shall by rule establish a procedure for calling special meetings. The corporation shall publish notice of a special meeting one (1) time, not less than twenty-four (24) hours before the time of the meeting, in two (2) newspapers of general circulation in the county in which the corporation is established.

(c) Regular and special meetings are open to the public. Public notice of meetings must be given as required by IC 5-14-1.5-5.

*As added by P.L.2-1993, SEC.5. Amended by P.L.255-2003, SEC.47; P.L.184-2005, SEC.18.*

**IC 16-22-8-16****Governing board; annual meeting; selection of chairperson and vice chairperson; position vacancy**

Sec. 16. (a) The board shall hold the annual meeting the second Monday in January of each year. At the meeting, the board shall select from among the members a chairperson and vice chairperson and shall make the appointments of personnel provided under this chapter.

(b) A vacancy occurs if the chairperson or vice chairperson of the board dies, resigns, or is impeached. If the office of chairperson or vice chairperson becomes vacant, the board shall select from among the members a successor chairperson or vice chairperson at the next meeting of the board.

*As added by P.L.2-1993, SEC.5. Amended by P.L.255-2003, SEC.48; P.L.184-2005, SEC.19.*

**IC 16-22-8-17****Governing board; quorum; meeting records**

Sec. 17. (a) A majority of the board members constitutes a quorum for a meeting. The board may act by an affirmative vote of a majority of the board.

(b) The corporation shall record memoranda from the meeting as required by IC 5-14-1.5-4.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.20; P.L.88-2006, SEC.1.*

**IC 16-22-8-18****Documents and records; public inspection**

Sec. 18. The corporation shall keep the board's documents in the office of the corporation or in an electronic format. The corporation shall record the aye and nay vote on the final passage of any item of business and on any other item if two (2) board members request that the votes be recorded by ayes and nays.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.21; P.L.88-2006, SEC.2.*

**IC 16-22-8-19****Governing board; rules of procedure**

Sec. 19. (a) The board shall adopt rules of procedure for board meetings. The board may suspend the rules of procedure by unanimous vote of the members present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of rules occurs.

(b) The board may exercise the powers to supervise internal affairs common to municipal legislative and administrative bodies.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.22.*

**IC 16-22-8-20****Ordinance; introduction of proposal**

Sec. 20. A board member may introduce a proposed ordinance at

a meeting of the board. The corporation shall prepare proposed ordinances in a standardized manner.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.23.*

#### **IC 16-22-8-21**

##### **Ordinance; notice of pendency of proposal**

Sec. 21. (a) Not less than seven (7) days before a meeting considering the final passage of a proposed ordinance, the corporation shall publish a notice that the proposed ordinance is pending final action. The notice must be published one (1) time in two (2) newspapers with general circulation in the county. Notice of an ordinance establishing a budget must be in accordance with the general law relating to budgets of first class cities.

(b) The notice must state the following:

(1) The general subject matter of the proposed ordinance.

(2) The time and place of the meeting.

(3) The proposed ordinance is available from the corporation.

(c) The corporation may publish in one (1) notice the general subject matter of each ordinance pending final action for which notice has not been given.

(d) An ordinance is not invalid because the reference to the subject matter of the proposed ordinance was inadequate if the reference is sufficient to advise the public of the general subject matter.

*As added by P.L.2-1993, SEC.5. Amended by P.L.255-2003, SEC.49; P.L.184-2005, SEC.24; P.L.88-2006, SEC.3.*

#### **IC 16-22-8-22**

##### **Ordinance; copies of proposal for public inspection**

Sec. 22. On or before the date of notice of the introduction of a proposed ordinance, the corporation shall provide the proposed ordinance in the office of the corporation or in an electronic format for public inspection.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.25.*

#### **IC 16-22-8-23**

##### **Ordinance; scheduled meeting; action or postponement**

Sec. 23. At a meeting for which notice has been given under section 21 of this chapter, the board may take final action on the proposed ordinance or may postpone final consideration to a future designated meeting without giving additional notice.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.26.*

#### **IC 16-22-8-24**

##### **Ordinance; adoption at public meeting; hearing**

Sec. 24. The board may adopt an ordinance only at a meeting open to the public. Before adopting an ordinance, any person present at the meeting may give testimony, evidence, or argument for or against the proposed ordinance in person or by counsel. The board may adopt rules concerning the number of persons who may be heard

and time limits.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.27.*

#### **IC 16-22-8-25**

##### **Ordinance; designation of effective date**

Sec. 25. The board shall designate the effective date of the ordinance at the meeting at which the ordinance is adopted.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.28.*

#### **IC 16-22-8-26**

##### **Ordinance; copies for public; codification; publication or electronic format**

Sec. 26. (a) The corporation shall make each ordinance the board adopts available to the public. The board shall codify, revise, rearrange, or compile adopted ordinances under IC 36-1-5-3. Ordinances adopted by the board constitute the code of the health and hospital corporation of the county.

(b) The corporation may print or provide the code of the health and hospital corporation of the county in an electronic format for public inspection.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.29.*

#### **IC 16-22-8-27**

##### **Executive director; term; qualifications; service as board secretary**

Sec. 27. (a) The board shall appoint an executive director of the corporation who is qualified by education and experience to serve for a term of four (4) years unless sooner removed. The executive director is eligible for reappointment. The executive director must reside in the county.

(b) In addition to the duties as executive director of the board, the executive director acts as secretary of the board.

*As added by P.L.2-1993, SEC.5. Amended by P.L.255-2003, SEC.50; P.L.184-2005, SEC.30.*

#### **IC 16-22-8-28**

##### **Creation of divisions; functions**

Sec. 28. (a) The board shall create the following:

- (1) A division of public health.
- (2) A division of public hospitals.
- (3) Other divisions the board considers necessary.

(b) The division of public health shall serve as the county health department with powers and duties conferred by law upon local departments of health.

(c) The division of public hospitals shall operate the corporation's hospitals, medical facilities, and mental health facilities.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.31.*

#### **IC 16-22-8-29**

##### **Agreements to operate facilities**

Sec. 29. The corporation may enter into an agreement with a

qualified person or entity to operate a hospital, medical facilities, or mental health facilities.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.32.*

#### **IC 16-22-8-30**

##### **Public health division; director; term; qualifications**

Sec. 30. The board shall appoint a director of the division of public health to serve for a term of four (4) years unless sooner removed for cause. The director is eligible for reappointment. The director must hold a license to practice medicine in Indiana.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.33.*

#### **IC 16-22-8-31**

##### **Public health division; director; powers; enforcement of orders; petition for isolation or quarantine; venue**

Sec. 31. (a) The director of the division of public health has the powers, functions, and duties of a local health officer.

(b) Orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), IC 34-28-5-1, IC 36-1-6-4, or IC 36-7-9-17.

(c) A public health authority may petition a circuit or superior court for an order of isolation or quarantine by filing a civil action in accordance with IC 16-41-9.

(d) Unless otherwise provided by law, a change of venue from the county may not be granted for court proceedings initiated under this section.

(e) A change of venue from a judge must meet the requirements in IC 34-35-3-3 for court proceedings initiated under this section.

*As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.34; P.L.88-2006, SEC.4; P.L.138-2006, SEC.5; P.L.194-2007, SEC.3.*

#### **IC 16-22-8-32**

##### **Public hospitals division; director; term; qualifications**

Sec. 32. The board shall appoint a director of the division of public hospitals to serve for a term of four (4) years unless sooner removed for cause. The director is eligible for reappointment. The director shall supervise the division of hospitals under the jurisdiction of the corporation and perform the duties prescribed by the board. The director must be qualified in the management of hospitals and in health care financing. The director may be engaged through a contractor managing the hospital under section 29 of this chapter.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-33**

##### **Repealed**



*(Repealed by P.L.184-2005, SEC.38.)*

**IC 16-22-8-34**

**Powers of board or corporation**

Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

- (1) As a municipal corporation, sue and be sued in any court with jurisdiction.
- (2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.
- (3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:
  - (A) To protect property owned or managed by the corporation.
  - (B) To determine, prevent, and abate public health nuisances.
  - (C) To establish isolation and quarantine regulations in accordance with IC 16-41-9.
  - (D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.
  - (E) To control:
    - (i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and
    - (ii) the animals' breeding places.
  - (F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation have no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.
  - (G) To control rabies.
  - (H) For the sanitary regulation of water supplies for domestic use.
  - (I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.
  - (J) To detect, report, prevent, and control disease affecting public health.
  - (K) To investigate and diagnose health problems and health hazards.
  - (L) To regulate the sanitary and structural conditions of

- residential and nonresidential buildings and unsafe premises.
- (M) To regulate the remediation of lead hazards.
  - (N) To license and regulate the design, construction, and operation of public pools, spas, and beaches.
  - (O) To regulate the storage, containment, handling, use, and disposal of hazardous materials.
  - (P) To license and regulate tattoo and body piercing facilities.
  - (Q) To regulate the storage and disposal of waste tires.
- (4) To manage the corporation's hospitals, medical facilities, and mental health facilities.
  - (5) To furnish health and nursing services to elementary and secondary schools within the county.
  - (6) To furnish medical care to insured and uninsured residents of the county.
  - (7) To furnish dental services to the insured and uninsured residents of the county.
  - (8) To establish public health programs.
  - (9) To adopt an annual budget ordinance and levy taxes.
  - (10) To incur indebtedness in the name of the corporation.
  - (11) To organize the corporation into divisions.
  - (12) To acquire and dispose of property.
  - (13) To receive charitable contributions and gifts as provided in 26 U.S.C. 170.
  - (14) To make charitable contributions and gifts.
  - (15) To establish a charitable foundation as provided in 26 U.S.C. 501.
  - (16) To receive and distribute federal, state, local, or private grants.
  - (17) To receive and distribute grants from charitable foundations.
  - (18) To establish corporations and enter into partnerships and joint ventures to carry out the purposes of the corporation. This subdivision does not authorize the merger of the corporation with a hospital licensed under IC 16-21.
  - (19) To erect, improve, remodel, or repair corporation buildings.
  - (20) To determine operating procedures.
  - (21) To do the following:
    - (A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.
    - (B) Collect the charges from the patient, the patient's insurance company, or a government program.
    - (C) Require security for the payment of the charges.
  - (22) To adopt a schedule of and to collect reasonable charges for medical and mental health services.
  - (23) To enforce Indiana laws, administrative rules, ordinances, and the code of the health and hospital corporation of the county.
  - (24) To purchase supplies, materials, and equipment.

- (25) To employ personnel and establish personnel policies.
- (26) To employ attorneys admitted to practice law in Indiana.
- (27) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.
- (28) To dispose of surplus property in accordance with a policy by the board.
- (29) To determine the duties of officers and division directors.
- (30) To fix the compensation of the officers and division directors.
- (31) To carry out the purposes and object of the corporation.
- (32) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.
- (33) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees. IC 5-14-3-8(d) does not apply to fees established under this subdivision for certificates of birth, death, or stillbirth registration.
- (34) To use levied taxes or other funds to make intergovernmental transfers to the state to fund governmental health care programs, including Medicaid and Medicaid supplemental programs.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

*As added by P.L.2-1993, SEC.5. Amended by P.L.1-1994, SEC.87; P.L.184-2005, SEC.35; P.L.1-2006, SEC.298; P.L.88-2006, SEC.5; P.L.145-2006, SEC.133; P.L.1-2007, SEC.132; P.L.121-2007, SEC.2; P.L.194-2007, SEC.4; P.L.215-2007, SEC.2; P.L.3-2008, SEC.108; P.L.134-2008, SEC.11.*

#### **IC 16-22-8-34.5**

##### **Insurance**

Sec. 34.5. The corporation may enter into a group purchasing agreement to purchase medical malpractice insurance with the following:

- (1) One (1) or more hospitals organized or operated under this article.
- (2) One (1) or more hospitals organized or operated under IC 16-23.

*As added by P.L.91-2002, SEC.12 and P.L.100-2002, SEC.14. Amended by P.L.184-2005, SEC.36.*

#### **IC 16-22-8-35**

##### **Accounts and records**

Sec. 35. The corporation shall keep accounts and records of receipts and disbursements as prescribed by the state board of accounts.

*As added by P.L.2-1993, SEC.5. Amended by P.L.88-2006, SEC.6.*

**IC 16-22-8-36**

**Repealed**

*(Repealed by P.L.194-2007, SEC.14.)*

**IC 16-22-8-37**

**Territorial extent of corporate powers**

Sec. 37. The powers, authority, and duties conferred on the corporation and the corporation's officers and employees under this chapter extend throughout the county and may extend outside the county on terms and conditions the board prescribes that are consistent with this chapter.

*As added by P.L.2-1993, SEC.5. Amended by P.L.255-2003, SEC.51.*

**IC 16-22-8-38**

**Transfer of powers and duties from other political subdivision**

Sec. 38. Whenever a power, an authority, or duty is imposed by this chapter upon the corporation or the corporation's officers that on July 1, 1952, was imposed on another municipal corporation or political subdivision or the corporation's or political subdivision's officers, power, authority, or duty shall be exercised exclusively by the corporation.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-8-39**

**Privileges and use of hospital; discrimination**

Sec. 39. (a) A hospital owned, operated, or managed by the corporation shall be for the benefit of the residents of the county and of every person who becomes sick, injured, or maimed within the county.

(b) A patient who is able to pay shall pay to the corporation a reasonable compensation for medicine or hospital services according to the rules prescribed by the board. The board or the board's authorized representative may exclude from the hospital a person who willfully violates the rules. On terms and conditions the board prescribes, the corporation may:

- (1) extend the privileges and use of the hospital, the corporation's health care programs, and health care facilities to persons residing outside of the county; and
- (2) own or operate nursing facilities located inside or outside of the county.

(c) There may not be discrimination against practitioners of any school of medicine holding unlimited licenses to practice medicine recognized in Indiana. The licensed practitioners are entitled to equal privileges in treating patients in the hospital.

*As added by P.L.2-1993, SEC.5. Amended by P.L.91-2002, SEC.13; P.L.255-2003, SEC.52.*

**IC 16-22-8-40**

**Additional hospitals; improvements to existing hospitals**

Sec. 40. Whenever the board determines that there is a need for an

additional hospital or an addition or improvement to an existing hospital, the board may purchase suitable grounds, construct suitable buildings and improvements for hospital purposes, and do all that is necessary to acquire, establish, construct, erect, equip, and maintain the hospital, addition, or improvement.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-41**

##### **Cumulative building fund**

Sec. 41. (a) The board may provide a cumulative building fund under IC 6-1.1-41 to erect hospital buildings, additions, or other buildings, remodel buildings, or acquire equipment needed to carry out this chapter. The cumulative building fund may be funded by a property tax levy under subsection (b), a transfer into the fund of other revenues of the hospital, or a combination of these two (2) methods.

(b) The board may levy a tax in compliance with IC 6-1.1-41 on all taxable property within the county where the corporation is established. However, the levy may not exceed six and sixty-seven hundredths cents (\$0.0667) on each one hundred dollars (\$100) of taxable property.

(c) All money in the cumulative building fund may be invested or reinvested in the following:

(1) Securities backed by the full faith and credit of the United States Treasury, including direct obligations of the United States government and obligations of a federal agency or a federal instrumentality that are fully guaranteed by the United States government.

(2) Participation in loans under the conditions and in the manner set forth in IC 5-13-10.5-12.

(d) The treasurer of the corporation may lend any securities in the cumulative building fund under the conditions and in the manner set forth in IC 5-13-10.5-12. Money collected and not invested in government obligations shall be deposited and withdrawn in the manner authorized by law for the deposit, withdrawal, and safekeeping of the general funds of municipalities.

*As added by P.L.2-1993, SEC.5. Amended by P.L.57-1993, SEC.13; P.L.17-1995, SEC.20; P.L.18-1996, SEC.30; P.L.6-1997, SEC.168.*

#### **IC 16-22-8-42**

##### **Eminent domain**

Sec. 42. If the corporation and the owner of real property desired for a hospital, a health care facility, or an administrative facility cannot agree on the price, the corporation has the right to condemn. Condemnation proceedings may be instituted in the name of the corporation under IC 32-24.

*As added by P.L.2-1993, SEC.5. Amended by P.L.2-2002, SEC.67; P.L.194-2007, SEC.5.*

#### **IC 16-22-8-43**

### **Bonds; sale and issuance**

Sec. 43. (a) The corporation may issue general obligation bonds to procure funds to pay the cost of acquiring real property or constructing, enlarging, improving, remodeling, repairing, or equipping buildings for use as a hospital, a health care facility, or an administrative facility. The issuance of the bonds shall be authorized by a board resolution providing for the amount, terms, and tenor of the bonds, for the time and character of notice, and the mode of making the sale. The bonds shall be payable not more than forty (40) years after the date of issuance. The bonds shall be executed in the name of the corporation by the executive director.

(b) The executive director shall manage and supervise the preparation, advertisement, and sale of bonds, subject to the provisions of the authorizing resolution. Before the sale of the bonds, the executive director shall publish notice of the sale in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest and best bidder. After the bonds have been sold and executed, the executive director shall deliver the bonds to the treasurer of the corporation and take the treasurer's receipt, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and executive director shall report the actions to the board.

(c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- (1) Notice and filing of the petition requesting the issuance of the bonds.
- (2) Notice of determination to issue bonds.
- (3) Notice of hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appeal and be heard.
- (4) Approval by the department of local government finance.
- (5) The right to:
  - (A) remonstrate in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or
  - (B) vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).
- (6) Sale of bonds at public sale for not less than the par value.

(d) The bonds are the direct general obligations of the corporation and are payable out of unlimited ad valorem taxes levied and collected on all the taxable property within the county of the corporation. All officials and bodies having to do with the levying of taxes for the corporation shall see that sufficient levies are made to meet the principal and interest on the bonds at the time fixed for payment.

(e) The bonds are exempt from taxation for all purposes but the interest is subject to the adjusted gross income tax.

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.395; P.L.192-2002(ss), SEC.158; P.L.1-2003, SEC.62; P.L.194-2007,*

*SEC.6; P.L.146-2008, SEC.435.*

**IC 16-22-8-44**

**Bonds to fund or refund judgment**

Sec. 44. The board may issue funding or refunding bonds to fund or refund a judgment, bonds, or other obligations of the corporation. The board is not required to file a petition requesting the issuance of funding or refunding bonds.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-8-45**

**Tax anticipation warrants**

Sec. 45. (a) Temporary loans may be authorized and made by the board of trustees in anticipation of the collection of taxes of the corporation actually levied and in course of collection for the fiscal year in which the loans are made. The loans shall be authorized by ordinance and evidenced by warrants in the form provided by the ordinance. The warrants must state the following:

- (1) The total amount of the issue.
- (2) The denomination of the warrant.
- (3) The time and place the warrant is payable.
- (4) The rate of interest not exceeding five percent (5%).
- (5) The funds in anticipation of which the warrants are issued and out of which the warrants are payable.
- (6) A reference to the ordinance authorizing the warrant and the date of the warrant's passage.

(b) The ordinance authorizing the temporary loans shall appropriate and pledge sufficient current revenue in anticipation of which the warrants are issued and out of which the warrants are payable. The warrants evidencing the temporary loans shall be executed, sold, and delivered as the bonds of the corporation.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-8-46**

**Treasurer**

Sec. 46. The board shall appoint a treasurer of the corporation to serve for a term of four (4) years unless sooner removed for cause. The treasurer shall give bond in the amount and with the conditions prescribed by the board and with surety approved by the board. All money payable to the corporation shall be paid to the treasurer and the treasurer shall deposit the money in accordance with Indiana law relating to the deposit of public funds by municipal corporations. However, if trust funds are received or managed under a trust indenture, the terms and conditions of the trust indenture shall be followed. The treasurer must be a resident of the county.

*As added by P.L.2-1993, SEC.5. Amended by P.L.255-2003, SEC.53.*

**IC 16-22-8-47**

**Withdrawal of funds**

Sec. 47. Money shall be drawn from the treasury of the

corporation under Indiana law.  
*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-48**

##### **Auditor**

Sec. 48. (a) The executive director is ex officio the auditor of the corporation. The executive director shall give bond in an amount and with conditions and surety prescribed and approved by the board. The executive director shall keep an accurate account of appropriations made and taxes levied by the corporation and of money due to the corporation and received and disbursed. The executive director shall preserve all vouchers for payments and disbursements made.

(b) The auditor shall issue all warrants for the payment of money from the funds of the corporation, but no warrant shall be issued for the payment of any claim until the claim has been allowed by the board. All warrants shall be countersigned by the treasurer. Whenever the auditor issues a warrant, the auditor may require evidence that the amount claimed is justly due and in conformity with law. The auditor may summon any officer, agent, or employee of the corporation, or other person, administer an oath or affirmation to that person, and examine that person on oath or affirmation.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-49**

##### **Auditor's report**

Sec. 49. The auditor shall annually submit to the board, and more often if required by the board, a report of the accounts exhibiting the revenues, receipts, and disbursements, the sources of the revenues and funds, and how the funds have been disbursed.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-50**

##### **Budget**

Sec. 50. The board shall annually prepare a budget for the operating and capital expenditures of the corporation and shall calculate the tax levy necessary to provide money for the operating and capital expenditures of the corporation. The budget shall be prepared and submitted at the same time and in the same manner and with the notices and review procedures provided by Indiana law relating to budgets by consolidated cities.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-8-51**

##### **Tax assessment and collection**

Sec. 51. The tax levy approved by the department of local government finance shall be assessed and collected by the county treasurer of the county within which the corporation is located as other taxes are levied and collected. The county treasurer shall remit all taxes to the treasurer of the corporation.



*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.396.*

**IC 16-22-8-52**

**Board of finance functions**

Sec. 52. The board shall act as a board of finance in accordance with Indiana law relating to the deposit of public funds by municipalities.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-8-53**

**Surety bond of officers and employees**

Sec. 53. The board may require a bond on any of the officers or employees of the corporation in the amount and with the terms and conditions and surety approved by the board.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-8-54**

**Repealed**

*(Repealed by P.L.184-2005, SEC.38.)*

**IC 16-22-8-55**

**Borrowing powers; use of funds; loan negotiations; appeal**

Sec. 55. (a) The corporation may borrow money on promissory notes issued in the corporation's name, as a municipal corporation, from recognized lending institutions, and pledge as security unlimited ad valorem taxes levied by the corporation and collected on all taxable property within the jurisdiction of the corporation. It is the duty of all officials and bodies with control or discretion over the levying of taxes for the corporation to see that sufficient levies are made to meet the principal and interest on promissory notes. The promissory notes issued under this section shall be treated for taxation purposes the same as bonds issued by a municipal corporation in accordance with IC 6-8-5-1.

(b) Funds obtained by the method provided in this section shall be limited in use to the payment of lease rental for medical, surgical, and related equipment used by the corporation when the board determines that leasing the equipment is more practical and economical than purchasing. The decision to lease rather than purchase is within the sole discretion of the board.

(c) The length, terms, and conditions of promissory notes issued under this section are subject to negotiation between the board or the board's representative and the lending institutions bidding. Before entering into negotiations for the loan, the board of trustees shall publish a notice one (1) time in a newspaper of general circulation in the health and hospital corporation naming a date not less than seven (7) days after the publication of notice on which the board will receive and consider proposals from lending institutions for the making of the loan.

(d) After determination of the board to borrow and to issue promissory notes, and after a determination of the best proposal

submitted by lending institutions, the board shall give notice of the board's determination to borrow and to issue promissory notes in the manner provided by IC 6-1.1-20. The taxpayers have the right to appeal the determination to the department of local government finance in the manner and within the time provided in IC 6-1.1-20. *As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.397.*