

## **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 the basis of agent-principal relation; water well inspections**

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;*

*P.L.121-2007, SEC.1; P.L.134-2008, SEC.9.*

**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 by local health officer; consent by owner; exceptions; court order; property in which officer has interest**

Sec. 23. (a) Upon:

- (1) showing official identification; and
- (2) except as provided in subsection (b), receiving consent of the owner or occupant of the premises;

a local health officer or the officer's designee may enter any premises at any reasonable time and inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and rules and for the prevention and suppression of disease.

(b) A local health officer or the officer's designee shall obtain the consent of the owner or the occupant of the premises under subsection (a), except as provided in any of the following circumstances:

- (1) Subject to subsection (c), the local health officer or the officer's designee obtains an order from a circuit or superior court in the jurisdiction where the premises is located to authorize the inspection, investigation, evaluation, testing, or taking of specimens or samples for testing.
- (2) An emergency condition that poses an imminent and serious threat to the health of an individual or the public and the local health officer or the officer's designee believes that a delay could result in a greater health risk.
- (3) Entry by a local health officer or the officer's designee to a public place or an area in plain and open view to determine compliance with public health laws and rules.

(4) Entry under the terms and conditions of a license issued by the local health department at any reasonable time if reasonably necessary to determine compliance with public health laws and rules and the terms and conditions of the license.

(c) A court described in subsection (b)(1) may issue an order to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing if the court finds that the local health officer or the officer's designee, by oath or affirmation, provided reliable information establishing the violation of a public health law or rule at the premises.

(d) However, a local health officer, or the officer's designee, 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.

(e) 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. Amended by P.L.122-2012, SEC.1.*

#### **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; providing false information**

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 receiving a complaint asserting the existence of unlawful conditions described in subsection (a) within the officer's jurisdiction, shall document the complaint as provided in subsection (d). Upon verifying the information contained in the complaint, the health officer shall order the abatement of those conditions. The order must:

- (1) be in writing;
- (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.

(d) A complaint made under subsection (b) must include adequate details to allow the health officer to verify the existence of the unlawful conditions that are the subject of the complaint. A health officer shall provide a copy of a complaint upon request to the person who is the subject of the complaint.

(e) A person who provides false information upon which a health officer relies in issuing an order under this section commits a Class C misdemeanor.

*As added by P.L.2-1993, SEC.3. Amended by P.L.97-2012, SEC.16; P.L.292-2013, SEC.10.*

### **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, citations, and administrative notices by an action in the circuit or superior court. The court may take any appropriate action in a proceeding under this section, including any of the following:

- (1) Issuing an injunction.
- (2) Entering a judgment.
- (3) Issuing an order and conditions under IC 16-41-9.
- (4) Ordering the suspension or revocation of a license.
- (5) Ordering an inspection.
- (6) Ordering that a property be vacated.
- (7) Ordering that a structure be demolished.
- (8) Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).
- (9) Imposing court costs and fees under IC 33-37-4-2 and IC 33-37-5.
- (10) Ordering the respondent to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.
- (11) Ordering a local board of health or local health officer to take appropriate action to enforce an order within a specified time.

(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, local board of health, or health and hospital corporation 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. Amended by P.L.122-2012, SEC.2.*

### **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.*

#### **IC 16-20-1-29**

##### **Rights of employees of local health department under prior law**

Sec. 29. (a) The employees of a local health department under IC 16-1-5 (before its repeal), IC 16-1-6 (before its repeal), or IC 16-1-7 (before its repeal) become employees of the local health department established under IC 16-1-3.8 (before its repeal, now codified at IC 16-20-2) or IC 16-1-3.9 (before its repeal, now codified at IC 16-20-3) under P.L.40-1989.

(b) P.L.40-1989 does not affect the vacation, sick leave, insurance, or retirement benefits acquired by an employee of a local health department under IC 5-10.3, IC 16-1-5 (before its repeal), IC 16-1-6 (before its repeal), or IC 16-1-7 (before its repeal).

*As added by P.L.220-2011, SEC.310.*

#### **IC 16-20-1-30**

##### **Rights of employees of certain city-county health departments under prior law**

Sec. 30. (a) In a county having a population of more than two hundred seventy thousand (270,000) and less than four hundred thousand (400,000), as reported by the 1980 decennial census, employees who were employees of a city-county health department under IC 16-1-7-16 (before its repeal) on December 31, 1985, are entitled to the benefits relating to vacation, sick leave, insurance, and clothing allowance permitted under IC 16-1-7-16 (before its repeal).

(b) The benefits provided under subsection (a) are subject to satisfactory job performance.

*As added by P.L.220-2011, SEC.311.*