

### **212.850 Establishment of district health departments.**

- (1) Fiscal courts of all counties uniting to establish a district health department shall certify to the cabinet a copy of their resolution for establishing a district health department and providing for its maintenance and operation, and specifying the amount of the appropriation therefor.
- (2) If the cabinet finds that such a district health department has been proposed in accordance with the provisions of KRS 212.810 to 212.930 and that the appropriations are adequate, the cabinet shall enter an order declaring the district to be established and a copy of the order shall be filed with the Secretary of State and with the county clerk of each county concerned. When a district department of health is created all powers and duties of the county boards of health, except as otherwise provided in KRS 212.920, under existing statutes are transferred to the district board of health. The cabinet shall, on or before July 1 in each year, allot to each such district health department such amount that the cabinet deems to constitute a just and equitable share of funds available therefor from appropriation by the General Assembly, by grants and gifts received by this Commonwealth from the government of the United States of America or from any of its agencies or instrumentalities, and from other sources.
- (3) In determining the allotments referred to in subsection (2) of this section, the cabinet shall endeavor to provide for a distribution of the funds in a manner that is reasonably calculated to equalize, so far as practicable, local health services to the people of all counties served by the district health department. The cabinet may take into consideration variations existing between districts by reasons of difference in population, resources, industrialization, tax assessments and tax rates, and other local factors and conditions; the legislative intent being hereby declared to be that districts shall provide, from local sources of revenue that are available to them, financial support of district health departments to the extent of their respective abilities.
- (4) The cabinet may, in its discretion, alter or modify allotments from time to time and may cancel any allotment whenever it finds that a particular district health department is not maintained, operated and conducted in accordance with the standards prescribed by the cabinet. Nothing in this section shall be construed as requiring the cabinet to allot all funds available for local health purposes, or as prohibiting the cabinet from allotting such portion thereof, as the cabinet may determine, to a reserve account which may be sub-allotted by the cabinet in such manner that it considers proper in the event of emergencies, disaster or unforeseen events without regard to the provisions of subsection (3) of this section.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 384, sec. 345, effective June 17, 1978. -- Created 1972 Ky. Acts ch. 301, sec. 5.