

# HOUSE BILL No. 1010

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-5; IC 16-20.

**Synopsis:** Health officers and local health departments. Establishes the jointly employed local health officer fund (fund) for the purpose of receiving, holding, and disbursing funds for grants-in-aid. Provides that the grants-in-aid apply only to county health departments and not to city health departments. Provides that a jointly employed local health officer means a local health officer that is jointly employed by two or more counties. Provides that the auditor of each county that jointly employs a local health officer that is also employed by one or more other county or counties shall annually certify that employment to the state department of health (department). Provides that the department shall distribute from the fund a grant-in-aid subsidy not to exceed \$60,000 per county by which the jointly employed local health officer is employed that is to be applied to the local health officer's annual salary. Provides that certain costs associated with the fund when two counties are acting jointly must be prorated based on the populations of the participating counties. Provides that the department shall distribute the grant-in-aid subsidies from the fund on a schedule determined by the department. Sets requirements for the director of the division of public health for a health and hospital corporation and certain health officers. Removes: (1) confirmation for certain local health department personnel; and (2) approval of duties; by the local board of health. Specifies that a county executive or a city executive appoints a local health officer (current law states that the board of health appoints the local health officer). Specifies that the local health officer manages the local health department (current law provides that the board of health manages the local health department). Prohibits the

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**Effective:** June 30, 2021; July 1, 2021.

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## Lehman

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January 14, 2021, read first time and referred to Committee on Public Health.

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Digest Continued

establishment of any new second class city departments of health. Requires a multiple county board of health to submit recommendations for a local health officer to the county executives of each participating county and requires the county executives to appoint the local health officer.



Introduced

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1010

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A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2021]:

4 **Chapter 5. Jointly Employed Local Health Officer Fund**  
5 **Sec. 1. This chapter applies only to county health departments**  
6 **established under IC 16-20-2 and multiple county health**  
7 **departments established under IC 16-20-3. This chapter does not**  
8 **apply to city health departments.**

9 **Sec. 2. As used in this chapter, "department" means the state**  
10 **department of health established by IC 16-19-1-1.**

11 **Sec. 3. As used in this chapter, "fund" means the jointly**  
12 **employed local health officer fund established by section 5 of this**  
13 **chapter.**

14 **Sec. 4. As used in this chapter, "jointly employed local health**  
15 **officer" means a local health officer as referred to in IC 16-20 that**



1 is jointly employed by two (2) or more county health departments.

2 **Sec. 5. (a) The jointly employed local health officer fund is**  
 3 **established for the purpose of receiving, holding, and disbursing**  
 4 **grant-in-aid funds under this chapter.**

5 **(b) The fund shall be administered by the department. The**  
 6 **department may adopt rules under IC 4-22-2 necessary to**  
 7 **administer the fund to carry out this chapter.**

8 **(c) The expenses of administering the fund shall be paid from**  
 9 **money in the fund.**

10 **(d) Money in the fund at the end of a state fiscal year does not**  
 11 **revert to the state general fund.**

12 **(e) All money accruing to the fund is appropriated continuously**  
 13 **for the purposes specified in subsection (a).**

14 **Sec. 6. There is annually appropriated from the state general**  
 15 **fund to the department the amount necessary to make the**  
 16 **distributions under this chapter for assisting the counties in the**  
 17 **joint employment of a local health officer.**

18 **Sec. 7. The auditor of each county that jointly employs a local**  
 19 **health officer that is also employed by one (1) or more other county**  
 20 **or counties shall annually certify that employment to the**  
 21 **department.**

22 **Sec. 8. Upon receipt of the annual certification from the county**  
 23 **auditor that the county's local health officer is also jointly**  
 24 **employed by one (1) or more other county or counties, the**  
 25 **department shall distribute from the fund a grant-in-aid subsidy**  
 26 **not to exceed sixty thousand dollars (\$60,000) per county by which**  
 27 **the jointly employed local health officer is employed that is to be**  
 28 **applied to the jointly employed local health officer's annual salary.**

29 **Sec. 9. (a) Costs associated with the fund when two (2) or more**  
 30 **counties are acting jointly, other than the administrative expenses**  
 31 **described under section 5(c) of this chapter, must be prorated**  
 32 **based on the populations of the participating counties.**

33 **(b) A multiple county health department under this chapter has**  
 34 **all of the powers and duties of an existing county health**  
 35 **department.**

36 **Sec. 10. The department shall distribute the grant-in-aid**  
 37 **subsidies from the fund on a schedule determined by the**  
 38 **department.**

39 SECTION 2. IC 16-20-1-14, AS AMENDED BY P.L.134-2008,  
 40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2021]: Sec. 14. (a) Local health officers may appoint and  
 42 employ public health nurses, environmental health specialists,



1 computer programmers, clerks, other personnel, and an administrator  
 2 of public health, ~~subject to the confirmation of the local board of~~  
 3 ~~health~~, as is necessary and reasonable to carry out and perform the  
 4 duties of the local health department.

5 (b) Except as provided in subsection (d), the employees of local  
 6 health departments shall perform any of the duties of the health officer  
 7 delegated by the health officer, ~~with the approval of the local board of~~  
 8 ~~health~~, on the basis of an agent-principal relation.

9 (c) The public health personnel of local health departments:

- 10 (1) must meet the minimum qualification requirements of the
- 11 local board of health;
- 12 (2) by local ordinance, become part of the county classification
- 13 system for the respective public health personnel positions; and
- 14 (3) shall perform additional duties prescribed by the rules of the
- 15 state department and local board of health under the general
- 16 supervision of the local health officer.

17 (d) If an appointee or employee of a local health officer is not a  
 18 licensed water well driller under IC 25-39-3, the appointee or employee  
 19 may not inspect the drilling of a water well.

20 SECTION 3. IC 16-20-1-28 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. (a) A local health  
 22 officer may be removed only for failure to:

- 23 (1) perform the officer's statutory duties; ~~or~~
- 24 (2) enforce the rules of the state department; ~~or~~
- 25 **(3) a reason set forth in IC 16-19-3-13.**

26 (b) Except as provided in IC 16-19-3-12, IC 16-19-3-13, and  
 27 IC 16-19-3-15, a local health officer may be removed only by:

- 28 **(1) until June 30, 2021**, the board that appointed the health  
 29 officer; ~~or~~
- 30 **(2) beginning July 1, 2021, the county executive or city**  
 31 **executive.**

32 (c) When removal of a local health officer is sought by the  
 33 appointing authority, the local health officer is entitled to the following:

- 34 (1) At least five (5) days notice.
- 35 (2) An open hearing.
- 36 (3) Representation by counsel.

37 SECTION 4. IC 16-20-2-3 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. ~~A local board of~~  
 39 ~~health~~ **The local health officer** shall manage ~~each the local health~~  
 40 ~~officer's~~ local health department established under this chapter.

41 SECTION 5. IC 16-20-2-16 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) **Appointment**



1 **of a local health officer shall be made as follows:**

2 **(1) Before July 1, 2021,** each local board of health shall appoint  
3 a health officer to serve for a term of four (4) years.

4 **(2) Beginning July 1, 2021, the county executive shall appoint**  
5 **a health officer to serve a term of four (4) years.**

6 ~~The health officer must be a licensed physician.~~ **A local health officer**  
7 **appointed by a local board of health under subdivision (1) may**  
8 **remain in the position until the expiration of the local health**  
9 **officer's term or removal as set forth in IC 16-20-1-28.**

10 (b) The appointment under subsection (a) shall be certified by:

11 **(1) before July 1, 2021,** the county executive; and

12 **(2) beginning July 1, 2021, the local board of health;**

13 **and** sent to the state department. The state department shall maintain  
14 a record of the certification.

15 (c) The health officer is eligible for reappointment **in the manner**  
16 **set forth in subsection (a).**

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

19 **(e) A health officer appointed under subsection (a) must:**

20 **(1) be a licensed physician; and**

21 **(2) have either:**

22 **(A) an educational degree or certificate in public health; or**

23 **(B) experience in public health matters.**

24 **The state department may adopt rules under IC 4-22-2 to specify**  
25 **the qualifications to comply with subdivision (2) or to specify**  
26 **exceptions to subdivision (2).**

27 SECTION 6. IC 16-20-3-9 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A multiple  
29 county board of health ~~shall appoint~~ **may submit recommendations**  
30 **for the appointment of a health officer to the county executive of**  
31 **each participating county. The county executive of each**  
32 **participating county shall consider the recommendations from the**  
33 **multiple county board of health and appoint a health officer by an**  
34 **affirmative vote of two-thirds (2/3) of the county executive of each**  
35 **participating county. A local health officer shall serve for a term of**  
36 **four (4) years. The health officer must:**

37 **(1) be a licensed physician; and**

38 **(2) have either:**

39 **(A) an educational degree or certificate in public health; or**

40 **(B) experience in public health matters.**

41 **The state department may adopt rules under IC 4-22-2 to specify**  
42 **the qualifications to comply with subdivision (2) or to specify**



1 **exceptions to subdivision (2).**

2 (b) The appointment of the health officer shall be certified by the  
3 ~~county executive of each participating county~~ **multiple county board**  
4 **of health** and sent to the state department for the state department's  
5 records.

6 (c) The health officer is eligible for reappointment **by the county**  
7 **executives.**

8 (d) The health officer is the executive officer of the multiple county  
9 health department and shall serve as secretary of the multiple county  
10 board of health.

11 SECTION 7. IC 16-20-4-1 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. This chapter applies  
13 to city health departments in second class cities **established before**  
14 **July 1, 2021, and operating on June 30, 2021. After June 30, 2021,**  
15 **a second class city may not establish or otherwise provide for a city**  
16 **health department.**

17 SECTION 8. IC 16-20-4-5, AS AMENDED BY P.L.119-2012,  
18 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JUNE 30, 2021]: Sec. 5. (a) Except as provided in  
20 subsection (b), the legislative body of a second class city may by  
21 resolution provide for a full-time city health department.

22 (b) A local official, city legislative body, city fiscal body, or county  
23 may not establish a full-time or part-time city health department in a  
24 county having a population of more than one hundred seventy thousand  
25 (170,000) but less than one hundred seventy-five thousand (175,000).

26 (c) A health ordinance adopted by a city legislative body after  
27 December 31, 1993, in a county having a population of more than one  
28 hundred seventy thousand (170,000) but less than one hundred  
29 seventy-five thousand (175,000) is void.

30 **(d) This section expires June 30, 2021.**

31 SECTION 9. IC 16-20-4-16 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) The board of  
33 each city health department shall prescribe the duties of ~~all officers and~~  
34 **the local health officer. The local health officer shall prescribe the**  
35 **duties of the local health department's** employees.

36 (b) The board shall fix compensation of ~~all officers and the local~~  
37 **health officer. The local health officer shall fix compensation of the**  
38 **local health department's** employees. However, in counties having  
39 joint city-county full-time health departments, the prescription of duties  
40 and fixing of compensation is subject to prior approval by the city  
41 legislative body and the county executive of cities and counties  
42 maintaining the department.



1 (c) The city board of health may recommend compensation for any  
 2 officer or employee of the board subject to approval by the city fiscal  
 3 body.

4 SECTION 10. IC 16-20-4-20 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) The:

- 6 (1) board of each city health department **until June 30, 2021; and**  
 7 (2) **city executive after June 30, 2021, for any city health**  
 8 **department established before July 1, 2021;**

9 shall appoint a health officer. The appointment is subject to the  
 10 approval of the city legislative body.

11 (b) The health officer is the executive officer for the department and  
 12 shall serve as secretary of the local board.

13 (c) The health officer must meet the following conditions:

- 14 (1) Be a citizen of the United States.  
 15 (2) Be a licensed physician or be eligible for such a license.  
 16 (3) **Have either:**

- 17 (A) **an educational degree or certificate in public health; or**  
 18 (B) **experience in public health matters.**

19 **The state department may adopt rules under IC 4-22-2 to specify**  
 20 **the qualifications to comply with subdivision (3) or to specify**  
 21 **exceptions to subdivision (3).**

22 (d) A health officer serves a term of four (4) years unless removed  
 23 for cause **by the city executive or as otherwise** provided in this title.

