

Indiana Association of Local Boards of Health

Working with the Health Officer

Indiana Code

Below is a quick reference tool providing an overview of Health Officer duties. Although these duties are assigned to the Health Officer in many cases the health department administrator or staff performs the activities. For a complete legal description of these duties, please consult the Indiana Code.

IC 16-20-1-10 Records; minutes: 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.

IC 16-20-1-11 Monthly reports; approval; permanent records: 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.

IC 16-20-1-13 Local health officer or representative; consultative meetings with state department; expenses: (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.

IC 16-20-1-14 Personnel; delegation of duties on agent-principal relationship; requirements: (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.

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IC 16-20-1-17 Vital statistics; birth and death records: (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.

IC 16-20-1-18 Financial assistance; approval: 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.

IC 16-20-1-19 Enforcement: Local health officers shall enforce the health laws, ordinances, orders, rules, and regulations of the officer's own and superior boards of health.

IC 16-20-1-22 Sanitary inspections and surveys of public buildings/ institutions: Local health officers may make sanitary inspections and surveys of all public buildings and institutions.

IC 16-20-1-23 Inspection of private property; property in which officer has interest: (a) Except as provided in subsection (b), the local health officer or the officer's designee may enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health. (b) However, a local health officer, or a person acting under the local health officer, 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. (c) 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.

IC 16-20-1-24 Epidemic control; powers: (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.

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IC 16-20-1-25 Unlawful conditions; abatement order; enforcement: (a) A person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease. (b) A health officer, upon hearing of the existence of such unlawful conditions within the officer's jurisdiction, shall order the abatement of those conditions. The order must: (1) be in writing if demanded; (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.

IC 16-20-1-26 Injunctive enforcement; legal representation of health authorities: (a) A local board of health or local health officer may enforce the board's or officer's orders by an action in the circuit or superior court. In the action, the court may enforce the order by injunction. (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 employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.

IC 16-20-1-28 Removal of local health officers; grounds; hearing rights: (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.

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Expectations

A Health Officer Expects that a Board Will:

- Consult with the health officer on issues that the Board is considering
- Counsel and advise the health officer using professional expertise and familiarity with the community
- Delegate responsibility for all administrative functions
- Support the health officer and staff in the performance of their professional duties
- Share all relevant communications with the health officer
- Support the health officer in all decisions and actions consistent with policies of the Board and the standards of the health department
- Hold the health officer accountable for the operation of the health department, including employee supervision
- Recognize that agency staff is responsible to the health officer
- Evaluate and recognize the work of the health officer
- Refrain from micromanaging administrative details

A Board of Health Expects that Its Health Officer Will:

- Serve as Chief Executive Officer of the health department
- Develop and recommend policies for consideration
- Advise the Board on issues under discussion
- Make professional recommendations on all issues being considered by the Board
- Effectively implement Board policies
- Keep the Board informed fully and accurately on activities of the agency
- Develop the agency budget and keep the Board advised of budget problems
- Recruit and retain the most competent personnel and supervise accordingly
- Devote time to professional development for the staff and health officer

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Policy vs. Management

Board members may encounter the problem of distinguishing between making policies and actually managing policy implementation. It can be confusing for boards of health, because the Indiana Code mandates some administrative duties for them. However, understanding what responsibilities are the board of health's and which are the health officer's will enhance working relationships and is less likely to result in conflict. Policy decisions affect your organization as a whole whereas management decisions affect individual people, programs, or services.

If you answer “yes” to these questions, it is a policy decision:

- “Will this decision help determine procedures, activities, programs, or services that affect the entire organization?”
- “Is this decision required by law or regulatory agencies?”
- “Is this an issue on which the administrator has requested our assistance?”

The board **SHOULD** get involved.

If you answer “yes” to these questions, it is a management decision:

- “Does this issue affect an individual on staff?”
- “Does this issue relate to the efficiency and quality of service provided by a specific program or department?”
- “Is this an administrative area that is of an operational nature?”
- “Does this issue affect specific parts of the organization not the entire organization?”

The board **SHOULD NOT** get involved. The administrator should handle it.

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Responsibility	Board of Health	Health Officer
Long term goals (more than one year)	Approves	Recommends & provides input
Short term goals (less than one year)	Monitors	Establishes & carries out
Day to day operations	No role	Makes all management decisions
Budget	Approves	Develops & recommends
Capital purchases	Approves	Prepares & requests
Decisions on building renovations, leasing, expansion	Makes decision & assumes responsibility	Recommends (could sign contracts if given authority)
Supply purchases	Establishes policies & budget	Purchases according to policy & maintains adequate audit trail
Major repairs	Approves	Obtains estimates & prepares recommendations
Minor repairs	Establish policy on dollar amount	Authorizes repairs up to re-arranged amount
Emergency repairs	Work with Health Officer	Notifies chairperson & acts with concurrence from the chair
Cleaning & maintenance	Oversight only	Sets up schedule
Fees	Adopts policy	Develops fee schedule
Billing, credit, collection	Adopts policy	Proposes policy & implements
Hiring staff	No role (approves new position)	Approves all hiring
Staff development & assignment	No role	Establishes
Firing staff	No role	Makes termination decisions
Staff grievances	No role	Grievances stop with Health Commissioner (depends on county)
Personnel policies	Adopts policies	Recommends & administers
Staff salaries	Allocates line item in budget	Approves salaries with recommendations from supervisory staff
Staff evaluations	Evaluates Health Officer only	Evaluates other staff