

**IC 16-24**

**ARTICLE 24. TUBERCULOSIS HOSPITALS**

**IC 16-24-1**

**Chapter 1. County Tuberculosis Hospitals; Power of County Board; Board of Managers**

**IC 16-24-1-1**

**Treatment of nontubercular patients; tuberculosis funds restricted**

Sec. 1. A hospital organized under:

- (1) this article; or
- (2) IC 16-11 (before its repeal on July 1, 1993);

may treat patients with chronic diseases other than tuberculosis. However, funds from the state contributed for tuberculosis cases are available only to individuals with tuberculosis.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-2**

**Establishment of hospital; powers of county executive**

Sec. 2. The county executive of a county may establish a county hospital for the care and treatment of persons with tuberculosis. When the county executive votes to establish a hospital, the county executive may do the following:

- (1) Purchase or lease real property or acquire the real property and easements by condemnation proceedings.
- (2) Erect buildings, make improvements, repairs, and alterations, subject to approval by the state department.
- (3) With the approval of the county fiscal body, and based upon estimates of the governing board, assess, levy, and collect money necessary for suitable lands, buildings, improvements, maintenance, and other necessary expenditures for the hospital.
- (4) Borrow money to erect, furnish, and equip the hospital and to purchase a site on the credit of the county and issue county obligations as the county executive may do for other county purposes.
- (5) Accept and hold in trust for the county, and to comply with the terms of, any of the following:
  - (A) A grant or devise of land.
  - (B) A gift or bequest of money or other personal property.
  - (C) A donation for the benefit of the hospital.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-3**

**Annual funding; taxation; additional appropriations**

Sec. 3. The board annually shall make an estimate for and recommend to the county fiscal body a tax rate and levy to provide funds for the operation and maintenance of the hospital. The county fiscal body shall adopt a budget and fix a levy and tax rate that, when

added to estimated hospital revenues, will provide the amounts appropriated for the hospital. The county fiscal body may make additional appropriations from the county general fund to make up deficits in estimated revenue or for emergencies.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-4**

##### **Qualification of hospitals under Medicare and Medicaid programs in certain counties; superintendent**

Sec. 4. (a) The county executive of a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) may use the county's tuberculosis hospitals to treat patients with tuberculosis and for other purposes necessary to qualify under the Medicare and Medicaid programs. At the discretion of the county executive, tuberculosis hospitals may become affiliated with a hospital in the community to enable the tuberculosis hospital to be fully utilized under all programs available.

(b) The superintendent of hospitals located in a county described under subsection (a) must be a qualified hospital administrator or an experienced physician selected by the governing board. The board shall delegate to the superintendent and all other personnel the duties of the board's respective positions.

*As added by P.L.2-1993, SEC.7. Amended by P.L.119-2012, SEC.139.*

#### **IC 16-24-1-5**

##### **Governing board; membership; terms of office**

Sec. 5. (a) When the county executive establishes a hospital for the care and treatment of persons with tuberculosis, the county executive shall appoint a governing board of the hospital. The board consists of four (4) members who are residents of the county, and at least two (2) of whom must be licensed physicians.

(b) The initial appointments are as follows:

- (1) One (1) member for a term of four (4) years.
- (2) One (1) member for a term of three (3) years.
- (3) One (1) member for a term of two (2) years.
- (4) One (1) member for a term of one (1) year.

(c) Appointments of successors are for terms of four (4) years. However, appointments to fill vacancies are for the unexpired term.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-6**

##### **Absences creating vacancy; excuse**

Sec. 6. Failure of a member of the governing board to attend three (3) consecutive meetings of the board creates a vacancy in the member's office unless the absence is excused by formal action by the governing board.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-7**

**Compensation; expenses**

Sec. 7. The members of the governing board are not entitled to compensation for their services and are allowed their actual and necessary traveling and other expenses to be audited and paid in the same manner as the other expenses at the hospital by the county executive.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-8**

**Removal for cause; hearing**

Sec. 8. A member of the governing board may be removed from office by the county executive for cause after the manager is given an opportunity to be heard.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-9**

**Board of managers in certain counties; membership; terms of office**

Sec. 9. (a) This section applies to a county having a population of:

- (1) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or
- (2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(b) The board of managers of the hospital consists of seven (7) members chosen by the county executive. The members must:

- (1) be chosen without regard for political affiliation;
- (2) be citizens of the county; and
- (3) include at least two (2) licensed physicians.

(c) The term of office of each member of the board is four (4) years. The terms of not more than two (2) of the managers expire annually. The terms of the members of the board may not be altered. The initial appointments are for the respective terms of three (3) years, two (2) years, and one (1) year. Appointments of successors are for terms of four (4) years. Appointments to fill vacancies are for the unexpired term.

*As added by P.L.2-1993, SEC.7. Amended by P.L.119-2012, SEC.140.*

**IC 16-24-1-10**

**Conflicts of interest**

Sec. 10. A board member may not have a personal pecuniary interest in the furnishing of services to the hospital.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-11**

**President; vice president**

Sec. 11. The board of managers shall elect from its members a president and at least one (1) vice president.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-12**

**Powers and duties of board of managers**

Sec. 12. The board of managers has the following powers and duties:

(1) To appoint a superintendent of the hospital as an executive officer who shall manage the hospital on behalf of the board of managers. A superintendent appointed:

(A) after January 1, 1982, must:

(i) be experienced in administration and qualified by training to manage the hospital;

(ii) have a baccalaureate degree and at least three (3) years experience in administration in a hospital or related health care facility; and

(iii) have a graduate degree in health facility administration and have completed at least one (1) year residency in a hospital or equivalent experience; and

(B) on or before January 1, 1982, must:

(i) be experienced in administration and qualified by training to manage the hospital; and

(ii) have a graduate degree in health facility administration and have completed at least one (1) year residency in a hospital or an equivalent experience, or have a baccalaureate degree and at least three (3) years experience in administration in a hospital or related health care facility.

(2) To fix the salaries of the superintendent, the business manager, and other officers and employees within the limits approved by the county executive or the county fiscal body. The salaries are compensation in full for all services rendered.

(3) To determine the time required to be spent at the hospital by the superintendent in the discharge of the superintendent's duties.

(4) To supervise, manage, and control the hospital, and the hospital's grounds, buildings, officers, employees, and patients, and all matters relating to the government, discipline, contracts, and fiscal concerns of the hospital, and to make rules to carry out the purpose of the hospital.

(5) To inspect the hospital and be informed of the affairs and management of the hospital.

(6) To keep a proper record of the board's proceedings open at all times to the inspection of members, the county executive, the county fiscal body, and authorized representatives of the state department.

(7) To allow bills and accounts, including wages and salaries, without advertising the filing of claims, and to certify and transmit the bills and accounts to the county auditor for payment from appropriations made for that purpose by the county fiscal body.

(8) To make a detailed report to the county executive annually, and at the time as the executive directs, that includes the following:

(A) Information on the operations of the hospital.

(B) The number of patients received and the methods and results of treatment.

(C) Detailed estimates of the money required during the ensuing year for all purposes, including maintenance, direction of buildings, repairs, renewals, extensions, improvements, betterments, replacements, and other necessary purposes.

(D) Other matters the county executive requires.

(9) To receive, administer, and hold for the benefit of the hospital, gifts, donations, bequests, and trusts of property of any nature or kind made or given to a hospital, and to agree to conditions and terms specified by the donor. The board is not required to account to any municipal, county, or state official concerning the disposition or use of this property or the income derived from the property except that the funds are subject to examination by the state board of accounts or the county executive. Gifts, donations, bequests, or trusts made or given before March 6, 1947, that are not administered by the board, come within the jurisdiction of the board for administration. Funds received from donors or income from gifts or bequests shall not be taken into account for expenditure in the preparation of the hospital budget.

(10) To determine, as of January 1 and July 1 of each year, whether the hospital is fully utilized by tuberculosis patients. If the board finds that the demand for care of tuberculosis patients does not warrant the full utilization of the hospital, the board may authorize the hospital to furnish care to persons suffering from chronic illnesses other than tuberculosis, upon terms and conditions of admission, treatment, care, and payment as the board prescribes.

(11) To meet at least one (1) time each month at a designated place in the county where the hospital is located, and at least one (1) time each year on the hospital premises.

(12) To expend hospital funds, advance tuition payments, or establish a tuition refund program for the education or professional improvement of nurses and other professional or technical employees for inservice training, seminars, or special courses of instruction, for the direct benefit to the hospital.

(13) To contract for the sharing or purchase of services with

other hospitals when considered economically feasible by the board.

(14) To contract for services reasonably required for the operation and maintenance of the hospital, including the management of the hospital, on terms and conditions considered reasonable by the board.

(15) Upon the recommendation of the superintendent, to fix the compensation of hospital employees and adopt personnel and management policies that may include the following:

(A) An employee benefit program that provides for paid vacations, sick leave, paid holidays, paid personal leave, and paid leave for purposes of attending educational seminars.

(B) Payment of advertising and placement fees for personnel and physicians.

(C) Programs for the benefit of the personnel, volunteers, or physicians that directly contribute to productivity or morale, at an annual cost not to exceed the lesser of the following:

(i) One quarter of one percent (0.25%) of total hospital revenues for the preceding calendar year.

(ii) Four thousand dollars (\$4,000).

(D) Except as provided in section 15 of this chapter, a plan to provide coverage for the illness or accidental disability of hospital employees and insurance plans for hospital personnel from any insurance company licensed to transact business in Indiana.

(E) Pension and retirement plans for hospital personnel from any company authorized to do business in Indiana.

(F) Participation in the public employees' retirement fund subject to IC 5-10.3-6.

(G) Deferred compensation agreements with employees and other personnel. Deferred obligations may be funded by contracting with insurance companies licensed to transact business in Indiana.

(H) Payment of dues of the superintendent and department heads for membership in local, state, or national hospital or professional organizations if the board determines that those expenditures directly benefit the hospital.

(I) Operation of employee registries for part-time or temporary hospital employees.

Planned expenditures and programs shall be incorporated in the annual hospital budget subject to the approval of the county executive and the county fiscal body.

(16) To purchase insurance coverage for the protection of the hospital in amounts and under conditions the board considers reasonable and necessary, including liability or malpractice coverage for board members, the officers, employees, volunteers, and members of medical staff committees for omissions or acts committed in the performance of services for

the hospital. The board may for the express purpose of acquiring malpractice coverage assist in the formation of a mutual insurance company that does not issue assessable policies.

(17) To expend hospital funds for the following:

(A) Reasonable expenses incurred by persons and their spouses who are interviewed for employment or for medical staff appointment.

(B) Reasonable moving expenses if the persons are employed or appointed.

(18) To use automated data processing systems to keep hospital records and to purchase, lease, operate, or contract for the use of any automated data processing equipment subject to IC 5-17-1. Any major purchases or lease of data processing equipment or systems must be reviewed with the county data processing board.

(19) To dispose of the following:

(A) By sale or otherwise, personal property of limited or no use to the hospital without advertising, auctioning, or requesting bids if the salvage value does not exceed two thousand five hundred dollars (\$2,500).

(B) Other personal property that the board considers no longer necessary for hospital purposes at public auction after an appraisal by three (3) disinterested owners of taxable real property in the county.

The board shall publish notice of the sale one (1) time at least seven (7) days before the date of the sale. The board shall determine the time, terms, and conditions of the sale.

(20) To enter into agreements with credit card companies or organizations authorized to do business in Indiana and to accept credit card payments for services provided.

(21) To contract for services of consultants, architects, or other professional persons or firms, including shared services or purchasing organizations, when considered necessary by the board or when not in conflict with this chapter.

(22) To purchase, construct, remodel, repair, enlarge, or acquire, including the leasing of county real property with lease back provisions for carrying out this chapter, a building within or outside the county for hospital purposes. If the building is located outside of the county, the board must receive the approval of the county executive and the county fiscal body of the county in which the hospital or building is located.

*As added by P.L.2-1993, SEC.7.*

### **IC 16-24-1-13**

#### **Compliance with IC 36-1-12**

Sec. 13. In the construction, alteration, remodeling, or repair of any building or other structure, a governing board shall comply with

IC 36-1-12.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-14**

##### **Bids, proposals, or quotations submitted by trusts; requirements**

Sec. 14. If a board of managers disposes of real property or awards a contract for the procurement of property by acceptance of bids, proposals, or quotations, a bid, proposal, or quotation submitted by a trust (as defined in IC 30-4-1-1(a)) must identify the following:

- (1) The beneficiary of the trust.
- (2) The settlor empowered to revoke or modify the trust.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-15**

##### **Group insurance**

Sec. 15. (a) This section applies to a county having a population of any of the following:

- (1) More than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).
- (2) More than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000).
- (3) More than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000).
- (4) More than one hundred fifteen thousand (115,000) but less than one hundred twenty-five thousand (125,000).

(b) The board of managers of a hospital for the treatment of patients afflicted with tuberculosis or other diseases, including chronic diseases and those requiring convalescent care, that contracts with other counties for the treatment of the citizens of other counties, may provide not more than one-half (1/2) of the cost of a program of group life insurance and group health, accident, and hospitalization insurance for the hospital's employees. The members of the families and dependents of the employees may participate in a program of group health, accident, and hospitalization insurance at no cost to the hospital.

*As added by P.L.2-1993, SEC.7. Amended by P.L.170-2002, SEC.108; P.L.119-2012, SEC.141.*

#### **IC 16-24-1-16**

##### **Business manager**

Sec. 16. (a) The governing board shall appoint a business manager for a tuberculosis hospital located in the following counties:

- (1) Having a consolidated city.
- (2) Having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (3) Having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(b) The business manager is directly responsible to and serves at the pleasure of the governing board. The governing board shall prescribe the duties of the business manager.

*As added by P.L.2-1993, SEC.7. Amended by P.L.119-2012, SEC.142.*

#### **IC 16-24-1-17**

##### **Powers and duties of business manager**

Sec. 17. A business manager has the following powers and duties:

(1) To do the following:

(A) Keep proper and accurate daily accounts and records of the business and operations of the hospital in books and records provided for that purpose.

(B) Present the accounts and records to the board of managers, who shall incorporate the accounts and records in the governing board's annual report to the county executives.

(2) To do the following:

(A) Collect, receive, and keep accounts for all money due the hospital.

(B) Report these matters at the monthly meetings of the board of managers.

(C) Transmit the money to the treasurer of the county within ten (10) days after each monthly meeting.

(3) Before entering upon the business manager's duties, to give a bond in the amount and with the sureties that the governing board determines to secure the faithful performance of the business manager's duties.

(4) To purchase, from the lowest and best bidder and within the hospital budget, all items or articles used in the hospital for the maintenance and subsistence of the patients, including food, groceries, meat, milk, medicine, and medical supplies. The governing board shall certify the bills for the purchases to the county executive and to the county auditor for payment as other claims against the county are paid. Payment shall be made from the funds appropriated for the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-18**

##### **Superintendent; powers and responsibilities**

Sec. 18. The superintendent is the chief executive officer of the hospital and subject to the bylaws and rules of the hospital and to the powers of the board of managers. The superintendent has the following powers and responsibilities:

(1) To do the following:

(A) Equip the hospital and other necessary facilities for the following:

(i) The care and treatment of patients.

(ii) Use of officers and employees.

- (B) In counties without a business manager or purchasing agent for the hospital, to purchase all necessary supplies.
- (2) To do the following:
  - (A) Supervise and control the records, accounts, and buildings of the hospital and the hospital's internal affairs.
  - (B) Maintain discipline and enforce all rules, bylaws, and regulations adopted by the board of managers for the government, discipline, and management of the hospital and the hospital's employees and patients.
- (3) To do the following:
  - (A) Appoint officers and employees for the efficient performance of hospital business.
  - (B) Prescribe officer and employee duties.
  - (C) For cause stated in writing, after an opportunity to be heard, discharge any officer or employee.
- (4) To do the following:
  - (A) Keep proper accounts and records of the business and operations of the hospital.
  - (B) Make an annual report to the board of managers, who shall incorporate the hospital records in the board's report to the county executive.
- (5) To receive into the hospital, under the general direction of the board of managers, in the order of application, a person with tuberculosis in any form who meets either of the following conditions:
  - (A) Has resided in the county for at least one (1) year before applying for admission to the hospital.
  - (B) Is a resident of another county as provided in this chapter.
- (6) To keep proper accounts and records of patient admissions, including name, age, sex, race, nationality, marital status, residence, occupation, and place of last employment.
- (7) To do the following:
  - (A) Cause a careful examination to be made of the physical condition of persons admitted to the hospital.
  - (B) Provide for appropriate treatment of each patient.
  - (C) Keep records of the condition and treatment of each patient.
- (8) To discharge from the hospital any patient who meets any of the following conditions:
  - (A) The patient willfully or habitually violates the rules.
  - (B) The patient does not have tuberculosis or who has recovered.
  - (C) The patient is no longer a suitable patient for treatment.The superintendent shall make a full report of a patient's discharge at the next meeting of the board of managers.
- (9) Before discharging the superintendent's duties, to give a bond in an amount and with sureties that the board of managers

determines to secure the faithful performance of the superintendent's duties.

(10) If the hospital does not have a business manager, to do the following:

(A) Collect and receive money due to the hospital, except taxes and state-aid funds.

(B) Keep an accurate account of money due to the hospital and report the accounting at the monthly meetings of the board of managers.

(C) Transmit the money to the treasurer of the county within ten (10) days after each board meeting.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-19**

##### **Custodian of hospital money; receipts and disbursements**

Sec. 19. The county treasurer is custodian of hospital money collected by the treasurer or deposited with the treasurer by the superintendent and shall disburse the money only upon warrant issued by the county auditor. The hospital money shall be known as the county tuberculosis hospital fund.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-20**

##### **Admission to hospital; applications; discrimination; payment for services**

Sec. 20. (a) Any resident of the county in which the hospital is located who desires treatment in the hospital may apply in person to the superintendent or to a physician for examination. If the physician finds that the person has tuberculosis in any form, the physician may apply to the superintendent of the hospital for the person's admission. The superintendent shall forward application forms without charge to any physician in the county, upon request. If practicable, application for admission to the hospital shall be made upon the forms. Upon receipt of the application, if it appears that the patient has tuberculosis and if there is a vacancy in the hospital, the superintendent shall notify the person to appear at the hospital. The superintendent shall admit a person to the hospital if, after an examination, the superintendent is satisfied that the person has tuberculosis.

(b) All applications must meet the following conditions:

(1) State whether, in the judgment of the physician, the person is able to pay in whole or in part for the person's care and treatment.

(2) Be filed and recorded in a book kept for that purpose in the order of receipt.

(c) When the hospital is completed and ready for the treatment of patients, or whenever there are vacancies, admission shall be made in the order in which the names of applicants who are certified by the

superintendent to have tuberculosis appear in the application book.

(d) A patient shall not be discriminated against because the patient or the patient's relatives contribute to the cost of the patient's maintenance, in whole or in part. A patient may not pay more for the patient's maintenance than the average per capita cost of maintenance, including a reasonable allowance for the interest on the cost of the hospital. An officer or employee of the hospital may not accept from any patient any fee, payment, or gratuity for services.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-21**

##### **Payment for care and treatment; liability**

Sec. 21. (a) Whenever a patient is admitted to the hospital from the county in which the hospital is located, the superintendent shall inquire:

- (1) as to the patient's circumstances; and
- (2) of the relatives of the patient legally liable for the patient's support.

(b) If the patient or the patient's relatives are able to pay for the patient's care and treatment in whole or in part, the patient or the patient's relatives shall be directed to pay the treasurer of the hospital for the patient's support in proportion to the patient's or relatives' financial ability, but not to exceed the actual per capita cost of maintenance.

(c) The superintendent has the same authority to collect the sum from the estate of the patient or the patient's relatives legally liable for the patient's support as is possessed by the township trustee as administrator of township assistance in similar circumstances. If the superintendent finds that the patient or the patient's relatives are not able to pay either in whole or in part the patient becomes a charge upon the county.

*As added by P.L.2-1993, SEC.7. Amended by P.L.73-2005, SEC.165.*

#### **IC 16-24-1-22**

##### **Care and treatment of county nonresidents**

Sec. 22. (a) If a county does not have a county tuberculosis hospital, the county executive may, by contract, arrange for the care and treatment of the county's citizens in a tuberculosis hospital in another county. The contract must state the minimum number of patients to be sent to the institution for any one (1) year and the amount of compensation to be paid by the county executive.

(b) The county fiscal body contracting for the care and treatment of tuberculosis patients shall appropriate out of that county's general fund sufficient money for the care and treatment of tuberculosis patients. The fund constitutes a special fund for the care and treatment of tuberculosis patients if the county has the right to levy a tax for that purpose.

(c) Any person residing in a county without a tuberculosis

hospital who desires treatment in the hospital of another county may apply in writing to the county auditor of the county in which the person resides, on a form provided by the superintendent of the institution of the other county, with a physician's certificate stating that the physician has within ten (10) days examined the person, and that in the physician's judgment the person is suffering from tuberculosis. The auditor shall forward the application and certificate to the county executive. If the county executive finds that the facts in the application are true, the county executive shall record the county executive's findings and send the application to the superintendent of a county tuberculosis hospital with whom the county executive has contracted. After the patient is accepted, the county executive shall provide for transportation to and maintenance at the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-23**

##### **Care and treatment of county nonresidents; payment; liability**

Sec. 23. (a) Whenever a superintendent receives an application for the admission of a patient with tuberculosis from the county executive of any other county, the superintendent shall notify the person to appear at the hospital if there is:

- (1) a vacancy; and
- (2) no pending application from a resident of the county in which the hospital is located.

(b) If the superintendent is satisfied that the patient has tuberculosis, the superintendent shall admit the patient to the hospital. The patient is a charge against the county executive of the county sending the patient, at a rate to be fixed by the board of managers. The rate may not exceed the per capita cost of maintenance, including a reasonable allowance for interest on the costs of the hospital. The bill shall, when verified, be audited and paid by the auditor of that county.

(c) The county executive shall investigate the circumstances of the patient and of the patient's relatives legally liable for the patient's support, and has the same authority as the township trustee as administrator of township assistance to collect the cost of the patient's maintenance according to the patient's relatives' financial ability.

*As added by P.L.2-1993, SEC.7. Amended by P.L.73-2005, SEC.166.*

#### **IC 16-24-1-24**

##### **Donations conditioned upon life annuity**

Sec. 24. (a) This section applies as follows:

- (1) Whenever the county executive of a county secures a site for a county tuberculosis hospital.
- (2) When a citizen offers to donate United States bonds or other marketable bonds or securities readily convertible into money

to the county for the purpose of erection of proper buildings, or providing equipment for the hospital upon the condition that the county pay an annuity to the donor or a designated member of the donor's family, annually, during the life of the donor or the designated member in an amount:

(A) equal to the annual interest on bonds or securities donated; or

(B) not to exceed five percent (5%) interest, annually, money donated.

(b) The county executive, with the consent of the county fiscal body, may contract with the donor, binding upon the county, for the annuity described in subsection (a) upon the delivery of the bonds, securities, or money to the county, if:

(1) the donor or designated family member is at least sixty (60) years of age at the time of the contract; and

(2) the county executive and county fiscal body finds that it is in the interest of the county to accept the donation and enter into the contract.

(c) If the donation is made by husband and wife jointly, the annuity may be paid to the husband and wife jointly so long as they both live, and to continue to the survivor if either dies, and if both the husband and wife were at least sixty (60) years of age at the time of entering into the contract.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-25**

##### **Inspection of hospitals; duties of resident officers**

Sec. 25. (a) The resident officer of the hospital shall do the following:

(1) Admit the managers and the county executive or representatives of the managers and the county executive into every part of the hospital.

(2) Give the managers and the county executive access on demand to all hospital accounts and records and shall furnish copies, abstracts, and reports whenever required by the managers and the county executive.

(b) Hospitals established or maintained under this chapter are subject to inspection by an authorized representative of the county executive of the county. The resident officers shall do the following:

(1) Admit these representatives into every part of the hospital and the hospital's buildings.

(2) Give the representative access on demand to all records, reports, books, papers, and accounts pertaining to the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-1-26**

##### **Joint county hospitals; apportionment of costs; board; admissions**

Sec. 26. (a) Two (2) or more counties may agree to establish and

maintain a tuberculosis hospital.

(b) The county executives of counties proposing to cooperate may enter into an agreement to establish the hospital and shall apportion the cost among the counties cooperating according to the ratio of taxable property in the counties.

(c) The county executives of the counties constitute a board for the control of the tuberculosis hospital. The admission of patients must be based upon the population of the respective counties, but if there are not as many applications for admission as a county is entitled to, admission must be made in the order in which the applications are received.

*As added by P.L.2-1993, SEC.7.*

**IC 16-24-1-27**

**Application of IC 5-4-1, IC 5-4-5, IC 5-22, and IC 36-1-10 through IC 36-1-12**

Sec. 27. IC 5-4-1, IC 5-4-5, IC 5-22, IC 36-1-10, IC 36-1-11, and IC 36-1-12 do not apply to this article unless this article specifies that the statute applies.

*As added by P.L.2-1993, SEC.7. Amended by P.L.49-1997, SEC.50.*

## **IC 16-24-2**

### **Chapter 2. Operation of County Tuberculosis Hospitals in Allen, St. Joseph, Vanderburgh, and Madison Counties**

#### **IC 16-24-2-1**

##### **Application of chapter**

Sec. 1. (a) As used in this section, "county" refers to any of the following:

- (1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (2) A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).
- (3) A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).
- (4) A county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000).

(b) This chapter applies to a county, if the county meets the following conditions:

- (1) The county owns a hospital for the treatment of patients with tuberculosis or other diseases, including chronic diseases and diseases requiring convalescent care.
- (2) The county contracts with other counties for the treatment of the citizens of those other counties.

*As added by P.L.2-1993, SEC.7. Amended by P.L.170-2002, SEC.109; P.L.119-2012, SEC.143.*

#### **IC 16-24-2-2**

##### **"Contracting county" defined**

Sec. 2. As used in this chapter, "contracting county" means a county that contracts with a county having a hospital for the care of patients.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-3**

##### **Board of managers; qualifications; terms of office; compensation; expenses**

Sec. 3. (a) The county executive of the county owning the tuberculosis hospital shall appoint a board of managers for the hospital consisting of four (4) residents of the county. Two (2) of the members must be licensed and practicing physicians. Not more than two (2) of the members may belong to the same political party. The board is a body corporate and politic.

(b) The term of office of each member of the board is four (4) years and until a successor is appointed and qualified. However, the

first term of one (1) of the members expires annually. The members of the governing board are entitled to receive annual salaries not to exceed six hundred dollars (\$600) each and payment for actual and necessary traveling and other expenses.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-4**

##### **Official visitor and inspector; term of office; compensation; duties; board of visitors**

Sec. 4. (a) The county executive of a contracting county shall appoint an official visitor and inspector of the tuberculosis hospital and the patients from the contracting county. The term of office of the official visitor is three (3) years. The official visitor is not entitled to compensation for service but the official visitor's actual and necessary traveling and other expenses shall be paid by the hospital.

(b) An official visitor shall do the following:

(1) The following:

(A) Inspect the hospital.

(B) Visit the patients of the contracting county.

(C) Consult with the superintendent.

(D) Report to the county executive of the visitor's county monthly.

(2) With the tuberculosis agencies of the contracting county, prepare the documents necessary to admit patients from the contracting county.

(3) The following:

(A) Inspect and visit the patient in the patient's home.

(B) Investigate the patient's financial condition.

(C) Report to the county executive at the time the county executive approves the patient's admission.

(4) Transport the patients to and from the hospital.

(c) The official visitors of the contracting counties constitute the board of visitors. The board of visitors shall do the following:

(1) Meet quarterly at the hospital.

(2) Transact the business of their respective counties.

(3) Report to their respective county executives.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-5**

##### **Board of affiliation and public relation**

Sec. 5. (a) The governing board shall create a board of affiliation and public relation, which consists of the following:

(1) The president.

(2) The superintendent.

(3) The medical director.

(4) The superintendent of nurses.

(5) An executive secretary, to be appointed by the president and

superintendent.

(b) The board of affiliation and public relation shall cooperate with the county executives of the contracting counties and county executives' official visitors.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-6**

##### **Governing board; powers and duties**

Sec. 6. The governing board has the following powers and duties:

(1) To manage the affairs, property, and patients of the hospital and all matters relating to the government, discipline, contracts, and the finances of the hospital.

(2) To make rules and regulations for the operation of the hospital.

(3) To meet monthly, inspect the hospital, and hold the board's annual meeting in July of each year.

(4) To keep the books and accounts of the hospital and keep minutes of the board's proceedings. All records are open to the inspection of the board's members, the county executives of the counties owning or contracting with the hospital, the state board of accounts, and other public agencies authorized by law to inspect the hospital.

(5) To adopt an annual budget for the hospital.

(6) To elect a president, at least one (1) vice president, a secretary, and a treasurer and to appoint a superintendent. The office of president and superintendent may be held by one (1) person and the superintendent may act without salary, but is entitled to receive traveling and other expenses necessary or incidental to the office.

(7) To accept and hold in trust for the hospital a grant or devise of land, gift, bequest, or other donation for the benefit of the hospital in accordance with the terms of the gift and as the board considers beneficial.

(8) To contract for the care and treatment of persons with tuberculosis and other diseases, including chronic diseases and those diseases requiring convalescent care.

(9) To certify all bills and accounts and transmit the bills and accounts to the county executive of the county owning the hospital, who shall, if the county executive finds the bills and accounts correct, pay the bills and accounts out of hospital money.

(10) To annually report upon the operation of the hospital to the county executive of the county.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-7**

##### **Superintendent; powers and duties**

Sec. 7. (a) The superintendent is the chief executive officer of the

hospital and is subject to bylaws, rules, and regulations of the hospital and to the board of managers and the board's president.

(b) The superintendent shall do the following:

(1) Equip the hospital for the care and treatment of patients and for the use of the officers and employees and to purchase, directly or if the county has a purchasing agent, through the county purchasing agent, all necessary supplies and equipment. The superintendent shall determine the quality needed or the practicability of the articles requisitioned.

(2) The following:

(A) Supervise and control the records, accounts, and buildings of the hospital and the hospital's internal affairs.

(B) Maintain discipline.

(C) Enforce compliance with all rules, bylaws, and regulations adopted by the board of managers for the government, discipline, and management of the hospital and make further rules, regulations, and orders not inconsistent with those of the board of managers.

(3) The following:

(A) Appoint a licensed physician, as medical director, who has at least five (5) years experience in the treatment of tuberculosis.

(B) Employ doctors, department heads, nurses, and employees the licensed physician considers proper and necessary for the efficient performance of the business of the hospital.

(C) Prescribe staff duties, and discharge staff at the superintendent's discretion.

(4) Keep accurate accounts and records of the business and operations of the hospital and include the accounts and records in an annual report for the board of managers, who shall incorporate the accounts and records in the board's report to the county executive.

(5) Admit the following persons to the hospital in the order of application:

(A) A person:

(i) with tuberculosis in any form and other diseases the board of managers designates; and

(ii) who has resided in the county for at least one (1) year before the application for admission.

(B) Persons from other counties or states, as provided in this chapter.

(6) Keep records of the admission, physical condition, and treatment of each patient, including name, age, sex, color, marital condition, residence, occupation, and place of last employment.

(7) The following:

(A) Have a physical examination made of persons admitted

- to the hospital.
- (B) Provide for the treatment of each patient according to the patient's need.
  - (C) Keep records of the condition of each patient when admitted and thereafter.
- (8) Discharge and report to the board of managers concerning a patient who meets any of the following conditions:
- (A) Willfully or habitually violates the rules of the hospital.
  - (B) Does not have or has recovered from tuberculosis or other diseases designated by the board of managers.
  - (C) Is no longer a suitable patient for treatment.
- (9) Hold clinics in all counties affiliated with the hospital, which must be arranged for and under the supervision of the official visitor of the contracting county.
- (10) Receive and administer all gifts, bequests, and devises on behalf of the hospital. A gift of money shall, after the payment of all taxes, fees, costs, and other expenses, be deposited in the depository of the hospital designated by the county executive and shall be managed by the board of managers for the best interest of the hospital, according to the donor's conditions.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-8**

##### **Treasurer; duties**

Sec. 8. (a) The treasurer shall do the following:

- (1) Collect and receive all money due the hospital in the name of the hospital and deposit the money in a bank designated by the county executive.
- (2) Keep an accurate account of the money collected and received and make a written report to the board of managers, at their regular monthly meeting.
- (3) Before entering upon the treasurer's duties, post a bond in an amount determined by the board of managers to secure faithful performance.

(b) The board of managers shall transmit the funds to the treasurer of the county within ten (10) days after the meeting. The treasurer shall place the funds in a special fund for the exclusive use of the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-9**

##### **Application for admission; examination; payment for care and treatment**

Sec. 9. (a) Any resident of the county may apply in person to the hospital for treatment or to a physician for examination. If the physician finds that the person has tuberculosis in any form, the physician may apply to the superintendent of the hospital for admission.

(b) The superintendent shall forward application forms to any physician in the county, upon request and without charge. If practicable, applications for admission to the hospital shall be made upon these forms.

(c) If:

(1) the superintendent receives an application from a person who appears to have tuberculosis; and

(2) there is a vacancy in the hospital;

the superintendent shall notify the person named in the application to appear at the hospital.

(d) If, upon examination of the patient, the superintendent is satisfied that the patient has tuberculosis and has made the proper financial arrangement for care and treatment, to the extent of the patient's ability, the superintendent shall admit the patient to the hospital.

(e) All applications must:

(1) state whether the person is able to pay, in whole or in part, for care and treatment at the hospital; and

(2) be filed and kept as a permanent record.

(f) The hospital may not discriminate against any patient because the patient or the patient's relatives contribute to the cost of the patient's maintenance. An officer or employee of the hospital may not accept from any patient any fee, payment, or gratuity for services.  
*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-10**

##### **Patient's financial circumstances; inquiry; payment according to ability**

Sec. 10. Whenever a patient is admitted to the hospital from the county in which the hospital is situated, the superintendent shall inquire into the circumstances of the patient and of the relatives of the patient legally liable for the patient's support. If the superintendent finds that the patient or the patient's relatives are able to pay for care and treatment, in whole or in part, the superintendent shall direct the patient or the patient's relatives to pay to the treasurer of the hospital a specified amount each week, in proportion to the patient's or the patient's relatives' financial ability. The hospital has the same authority to collect from the estate of the patient, or the patient's relatives legally liable for the patient's support, as the township trustee as administrator of township assistance in similar cases. If the patient or the patient's relatives are not able to pay, either in whole or in part, the care and treatment become a charge upon the county.

*As added by P.L.2-1993, SEC.7. Amended by P.L.73-2005, SEC.167.*

#### **IC 16-24-2-11**

##### **Care and treatment of county nonresidents; contract; appropriation; tax levy**

Sec. 11. (a) The county executive of a county without a tuberculosis hospital may, by contract, arrange for the care and treatment of the county's citizens in a tuberculosis hospital in another county. The contract must fix the minimum number of patients to be sent to the hospital for any year and the amount of compensation to be paid for the care and treatment of those patients. The compensation must not exceed the actual cost of the operation of the hospital plus the interest charge on the bonded indebtedness of the hospital.

(b) The county fiscal body of the county contracting for the care and treatment of tuberculosis patients shall appropriate an amount out of the county general fund sufficient for the care and treatment of tuberculosis patients and this fund constitutes a special fund. The county may levy a tax for this purpose or the county executive may pay the hospital out of the general fund.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-12**

##### **Nonresidents' application for admission**

Sec. 12. Any person in need of treatment and who resides in a county without a tuberculosis hospital may apply in writing to the county auditor or official visitor of the county on a form to be provided by the official visitor of the county with a physician's certificate on a form furnished by the official visitor, stating that the physician has, within ten (10) days, examined the person, and that, in the physician's judgment, the person has tuberculosis. The auditor shall forward the application and certificate to the county executive. If the county executive finds the application to be true, the board shall make a record and send the application to the superintendent of the hospital. After the patient is accepted by the hospital, the county executive shall provide transportation to and from the hospital and maintenance at the hospital as provided in the contract or arrangement. All blanks provided for in this section shall be furnished by the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-13**

##### **Admission of nonresidents; liability for care and treatment**

Sec. 13. (a) Whenever the superintendent receives an application for the admission of a patient from another county, the superintendent shall notify the person to appear at the hospital if the following conditions are met:

- (1) It appears that the person has tuberculosis, or a similar disease.
- (2) There is a vacancy in the hospital.
- (3) There is no pending application from a patient residing in the county in which the hospital is located.

(b) If, upon personal examination of the patient by the medical

staff of the hospital, the superintendent determines that the patient has tuberculosis, the superintendent shall admit the patient to the hospital. The patient is a charge against the executive of the county sending the patient, at a rate to be fixed by the board of managers but not to exceed the per capita cost of maintenance, including a reasonable allowance for interest on the cost of the hospital. The bill shall, when verified, be paid by the auditor of the county. The county executive of the contracting county shall investigate the circumstances of the patient and of the patient's relatives legally liable for the patient's support. The county executive has the same authority as a township trustee as administrator of township assistance in similar cases to collect, according to the patient's or the patient's relatives' financial ability, the cost of the maintenance.

*As added by P.L.2-1993, SEC.7. Amended by P.L.73-2005, SEC.168.*

#### **IC 16-24-2-14**

##### **Access to books and records**

Sec. 14. The officers of the hospital shall admit the governing board, the county executive, the representatives of the state board of accounts, and all other public agencies having legal authority into every part of the hospital and give these persons access, on demand, to all books, papers, accounts, and records pertaining to the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-15**

##### **Joint county hospitals; allocation of costs; board of managers; admissions pro rata and otherwise**

Sec. 15. (a) At least two (2) counties may agree to establish and maintain a tuberculosis hospital.

(b) The county executive of each county proposing to cooperate may enter into an agreement to establish the hospital and shall apportion the cost of establishing and maintaining the hospital among the cooperating counties, according to the ratio of taxable property in the counties. Each county executive shall appoint an equal number of the members of the board of managers but shall not appoint more than two (2) members. The number of patients admitted from the cooperating counties shall be based on the population of the counties. If there are not as many applications for admission as a county is entitled to, admission is made in the order the applications are received or as agreed among the cooperating counties.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-16**

##### **Nonprofit hospitals; county aid**

Sec. 16. Whenever an association is incorporated under Indiana law as a nonprofit corporation, for the purpose of constructing, operating, and maintaining a hospital to treat and care for persons with tuberculosis or other diseases, the county executive of the

county in which the hospital is located may:

(1) lease or convey the hospital of the county to the corporation;

and

(2) give financial aid to:

(A) maintain and operate the hospital; and

(B) pay for the treatment of county residents.

*As added by P.L.2-1993, SEC.7.*

### **IC 16-24-3**

#### **Chapter 3. Conveyance or Assignment of Real and Personal Property by a County to an Association Incorporated for Prevention and Treatment of Tuberculosis**

### **IC 16-24-3-1**

#### **Authority of county to convey or assign property to nonprofit or charitable tuberculosis association**

Sec. 1. Whenever a county:

- (1) acquires real or other property with funds donated for the purpose of prevention, detection, treatment, and cure of tuberculosis or for the acquisition, enlargement, or maintenance of a tuberculosis hospital or clinic; and
- (2) has a nonprofit and charitable association dedicated to the prevention, detection, and treatment of tuberculosis that:
  - (A) has been engaged in that cause in the county for at least five (5) years;
  - (B) has used the property and financed the operation of a tuberculosis clinic for at least three (3) years in a manner satisfactory to the county executive; and
  - (C) is affiliated with and operates under contract with the Indiana Tuberculosis Association;

the county may, through the county executive of the county, convey or assign the property to the county tuberculosis association in consideration for the future and perpetual operation of the clinic for the benefit of all citizens of the county for the prevention, detection, and early treatment of tuberculosis without expense to the county.

*As added by P.L.2-1993, SEC.7.*

### **IC 16-24-3-2**

#### **Petition for conveyance or assignment**

Sec. 2. A county tuberculosis association that qualifies for a conveyance or an assignment of real or other property under this chapter may file a petition with the county executive. The petition must meet the following conditions:

- (1) Describe the property sought.
- (2) Set out facts in support of the association's qualification.
- (3) Be verified under oath of the president and secretary of the association.
- (4) Include two (2) executed copies of the proposed agreement for the future and perpetual operation of the clinic without expense to the county.

*As added by P.L.2-1993, SEC.7.*

### **IC 16-24-3-3**

#### **Investigation of petitioner**

Sec. 3. The county executive shall convey or assign the property to the petitioner if the board finds the following:

(1) The petitioner is qualified to receive the property described in the petitioner's petition.

(2) It is in the best interest of the county to convey or assign the property.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-3-4**

##### **Ordinance authorizing conveyance or assignment**

Sec. 4. (a) The county auditor shall call a meeting of the county fiscal body to consider the matter.

(b) If the county fiscal body confirms the finding of the county executive by a two-thirds (2/3) vote of all members of the fiscal body, the county fiscal body shall adopt an ordinance authorizing the board to execute the contract on behalf of the county and to convey or assign the property.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-3-5**

##### **Contract to convey or assign property**

Sec. 5. The county executive shall execute the contract and the conveyance or assignment of property and deliver the conveyance or assignment to the petitioner, retaining a copy of the executed contract that shall be entered in the official minutes of the board.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-3-6**

##### **Conditions on conveyance or assignment**

Sec. 6. The county may not convey or assign the property unless the following conditions are met:

(1) The property is separate and apart from county property used for other county purposes.

(2) The deed and contract of conveyance of real property contains a stipulation that the real property reverts to the grantor county if the grantee fails or neglects in the future to operate the clinic for the purposes set out in the contract.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-3-7**

##### **Continuing county obligation to tuberculosis patients**

Sec. 7. This chapter does not relieve the county from the obligation to care for and treat tuberculosis patients, including the treatment of advanced cases in hospitals, either within or outside the county.

*As added by P.L.2-1993, SEC.7.*