

Chapter 12

HEALTH

Cross References — Powers of city council relative to quarantine and condemnation, § 2-248; Animals and fowl, § 5-1 et seq.; Rabies control, § 5-63 et seq.; Garbage and trash, § 11-1 et seq.; Nuisances, § 18-89 et seq.; Weeds, § 26-13 et seq.; Water and sewers, § 28-1 et seq.

State Law References — Public health generally, RSMo. § 71.680 et seq.; Health and welfare generally RSMo. Ch. 96.

ARTICLE I In General

SECTION 12-1. Office of Health Officer Created; Appointment; Duties.

There is hereby created the office of Health Officer. The Health Officer shall be appointed annually by the Mayor and shall perform such duties as may be required of him by this Code or other ordinances of the City.

SECTION 12-2. Board of Health Created; Composition.

There is hereby created a Board of Health which shall be composed of the Mayor, City Clerk and City Marshal.

SECTION 12-3. through SECTION 12-13. (Reserved)

ARTICLE II Hospital Board of Trustees ¹

SECTION 12-14. Created; Composition; Appointment of Members. [Ord. of 10-25-1949, § 1; Ord. No. 2009-47 § A, 11-24-2009; Ord. No. 2014-08 § 1, 4-22-2014; Ord. No. 2015-07 § 1, 3-10-2015]

There is hereby created a City Hospital Board of Trustees, which shall be composed of nine (9) members to be appointed by the Mayor, with the approval of the City Council. Five (5) members of the Board shall be citizens of the City, and all members shall be citizens of Lafayette County, Missouri.

SECTION 12-15. Terms of Members. [Ord. of 10-25-1949, §§ 1,2; Ord. No. 2009-47 § A, 11-24-2009; Ord. No. 2014-08 § 1, 4-22-2014; Ord. No. 2015-07 § 1, 3-10-2015]

Members of the Hospital Board of Trustees shall serve for a period of four (4) years from the date of appointment and approval thereof by the City Council, except for the members appointed

1. State Law Reference — Board of hospital trustees, RSMo. § 96.160 et seq.

to terms beginning in 2015 who shall serve for the period for which each member is appointed. For members appointed to terms beginning in 2015, three (3) such members shall be appointed for a term of one (1) year, two (2) such members shall be appointed for a term of two (2) years, two (2) such members shall be appointed for a term of three (3) years and, two (2) such members shall be appointed for a term of four (4) years from the date of appointment.

SECTION 12-16. (Reserved) ²

SECTION 12-17. Vacancies. [Ord. of 10-25-1949, § 1,3]

Vacancies on the Hospital Board of Trustees shall be filled in the same manner as regular appointments. Such appointees shall serve the remainder of the term of the member whose position was vacated.

SECTION 12-18. Compensation of Members. [Ord. of 10-25-1949, § 11]

The members of the Hospital Board of Trustees shall serve without compensation, except such compensation as may hereafter be provided by ordinance.

SECTION 12-19. Organizational Meeting; Selection of Officers. [Ord. of 10-25-1949, § 4]

Within ten (10) days after the appointment by the Mayor and confirmation by the City Council of the first Hospital Board of Trustees, the members thereof shall meet and organize, by electing one (1) of their members President and one (1) Secretary and such other officers as they deem necessary.

SECTION 12-20. Adoption of By-Laws, Rules and Regulations for Management of City Hospital. [Ord. of 10-25-1949, § 5]

The Hospital Board of Trustees shall make and adopt such by-laws, rules and regulations for the management of the City Hospital, and the admission and discharge of patients, as they may deem expedient.

SECTION 12-21. Control Over Expenditure of Hospital Funds. [Ord. of 10-25-1949, § 6]

The Hospital Board of Trustees shall control the expenditures of all monies collected to the credit of the Hospital Fund and for equipping and operating the City Hospital.

SECTION 12-22. Deposit of Funds; Drawing on Funds. [Ord. of 10-25-1949, § 7]

All monies collected from taxes, donations and from any other source for hospital purposes shall be deposited in the City Treasury to the credit of the Hospital Fund, and drawn upon by the vouchers of the proper officers of the Hospital Board of Trustees.

SECTION 12-23. Employment of Hospital Personnel. [Ord. of 10-25-1949, § 8; Ord. No. 2009-47 § A, 11-24-2009]

2. Editor's Note — Ord. no. 2009-47, adopted November 24, 2009, repealed section 12-16 "political affiliation of members" in its entirety. Former section 12-16 derived from ord. of 10-25-1949 § 2. This section has been reserved for the city's future use.

The Hospital Board of Trustees shall employ such help, professional and otherwise, as may be necessary to carry out the spirit and intent of Sections 96.150 to 96.220, RSMo., and all such assistants and employees shall serve at the pleasure of the Hospital Board of Trustees.

SECTION 12-24. Board to Act as Trustees When Bequests and Donations are Made to Hospital; Power to Take Title to Property. [Ord. of 10-25-1949, § 10]

Any person making a bequest or donation to the City Hospital shall have the right to vest the title to real or personal property in the Hospital Board of Trustees and all such bequests or donations shall be held and controlled by the Hospital Board of Trustees as special trustees of such bequests or donations.

SECTION 12-25. Annual Report. [Ord. of 10-25-1949, § 9; Ord. of 9-19-1972, § 2]

The Hospital Board of Trustees shall make, on or before the second Monday in June of each year, a detailed itemized report, in writing, showing the receipts of all funds and expenditures for the preceding twelve (12) months, which report shall include each donation, the name of the donor and the date and amount of each donation.

SECTION 12-26. Compliance with Section 501(C)(3) of Internal Revenue Code. [Ord. No. 81-13 §§ 1-5, 11-3-1981]

- A. The purpose and intent of the City Council in enacting this Section is to facilitate compliance by the Board of Trustees and Administration of the Municipal Hospital with the terms, covenants, regulations and conditions of Section 501(c)(3) of the Internal Revenue Code so that the Municipal Hospital employees may purchase tax sheltered annuities.
- B. No part of the net earnings of the hospital shall inure to the benefit of, or be distributed to, members of the Board of Trustees, officers or other private persons, except that the Board of Trustees shall be authorized to pay reasonable compensation for services rendered.
- C. No substantial part of the activities of the hospital shall be the carrying on of lobbying or otherwise attempting to influence legislation, and the hospital shall not participate in any political campaign on behalf of any candidate for public office or carry on any other activity not permitted by organization exempt from Federal Income Tax under Section 501 (c)(3) of the Internal Revenue Code.
- D. Should it become necessary for the dissolution of the hospital, the Board of Trustees shall, after making provision for payment of all liabilities, determine that the assets of the hospital shall be distributed to the City of Lexington and that said assets shall be used exclusively for public purposes.
- E. This Section is passed at the instance and request of the Internal Revenue Code and does not change the present laws or ordinances of the City of Lexington but merely clarifies the prescriptions and proscriptions of our Hospital Ordinance.

SECTION 12-27. (Reserved) ³

SECTION 12-28. through SECTION 12-29. (Reserved)

**ARTICLE III
Ambulance Services**

SECTION 12-30. Established — Service. [Ord. No. 96-40 § 1, 3-11-1997; Ord. No. 2015-26 § 1, 10-13-2015]

Ambulance service for the City of Lexington is hereby affirmed, to serve an area which shall include, but not necessarily be limited to, the R-V Lexington School District.

SECTION 12-31. Ambulance Service Billings. [Ord. No. 96-40 § 1, 3-11-1997; Ord. No. 2001-48 § 1, 8-14-2001; Ord. No. 2015-26 § 1, 10-13-2015]

- A. The City of Lexington or its designated agent shall collect such necessary fees or charges for ambulance services as authorized and required by the City Council.
- B. Medical or mental health records maintained by the City of Lexington of individuals provided emergency medical services or transport, or obtained in the course of emergency medical service activities, shall be deemed closed records.
- C. The medical records obtained through these ambulance reports shall be retained for a minimum of seven (7) years with the City of Lexington.
- D. An additional billing amount of three hundred fifty dollars (\$350.00) shall be assigned to all patient billings for patients that do not reside in the R-5 School District or areas that are not under contract with the City of Lexington.

SECTION 12-32. Powers and Duties of Fire Department To Provide Ambulance Services. [Ord. No. 2015-26 § 1, 10-13-2015]

The Fire Department shall serve as the primary response and transport ambulance service for all emergency medical services and ground ambulance transport within the City of Lexington and R-V Lexington School District as set forth in regulations approved in Lexington City Code. No other ambulance service shall operate within the City except for exemptions as set forth in the Department Standard Operating Guidelines without approval by the Fire Chief or designated personnel. It shall be the duty of the Fire Department to oversee, manage, and operate the ambulance/transport component and special events coverage of the prehospital emergency medical services system to provide quality advanced life support single-tier service to all inhabitants of the City of Lexington and R-V Lexington School District.

³. Editor's Note — Ord. no. 2009-47, adopted November 24, 2009, repealed section 12-27 "lease of hospital suspends board of trustees" in its entirety. This section has been reserved for the city's future use.