

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 36
COUNTY HOSPITAL BOARDS

31-3601. RESOLUTION OF COUNTY COMMISSIONERS -- HEARING AND NOTICE. Any county which now has or may plan to build, purchase or by any other means acquire a county hospital shall create a county hospital board in the following manner: The board of county commissioners shall, by appropriate motion or resolution adopted and incorporated in its minutes, signify that it is the intention of the board of county commissioners to create a county hospital board for the purpose of conducting, operating and maintaining a county hospital or hospitals in accordance with the provisions of this act, and shall fix a date, not less than three (3) nor more than six (6) weeks from the date of the adoption of such motion or resolution, for a hearing, and shall order the clerk of the board to publish notice of such meeting in one (1) or more newspapers published and having general circulation in the county, which notice shall include the time and place of such hearing, at which the board of county commissioners will hear any person or persons interested upon the matter of whether a hospital board shall be created within such county, which publication shall be made at least two (2) weeks before the date set for such hearing.

[31-3601, added 1946 (1st E.S.), ch. 38, sec. 1, p. 75; am. 1982, ch. 340, sec. 1, p. 851.]

31-3602. CREATION OF BOARD. The board shall meet at the place and time fixed, at which time and place any elector or taxpayer residing within the county may appear and be heard upon the question of whether such hospital board shall be created, and after such hearing, if the board of county commissioners shall then deem it for the best interests of the county that a county hospital board be created, it shall create such board by an order duly adopted and spread upon its minutes.

[31-3602, added 1946 (1st E.S.), ch. 38, sec. 2, p. 75.]

31-3603. MEMBERS OF BOARD. (1) The board of county commissioners shall, within thirty (30) days after the adoption of the order creating such board, appoint an odd number, not less than five (5) nor more than fifteen (15) persons, as members of such hospital board and shall make such appointments a matter of record in the minutes of the board. Provided however, if the appointed county commissioner member of the hospital board is appointed with voting privileges as provided in subsection (4) of this section, the board of county commissioners shall appoint another member to ensure that the county hospital board members appointed as provided in this subsection comprise an even number of members of not less than six (6) nor more than fourteen (14) persons.

(2) The county hospital board may, in its discretion, later change the number of members of the board, within the prescribed limits, but no such change in the number of members of the hospital board shall serve to terminate any terms to be served by present members of the hospital board.

(3) Vacancies on the county hospital board shall be filled by the board of county commissioners. In filling vacancies, the board of county

commissioners shall review and consider, but shall not be bound by, a list of three (3) nominees for each position to be filled and submitted to them by the county hospital board. The members of the board shall be selected as nearly as practicable from the several localities of the county and shall qualify by taking and subscribing the usual oath of office. The county hospital board shall file with the board of county commissioners a blanket bond covering all of its members in the sum of not less than ten thousand dollars (\$10,000) to be approved by the board of county commissioners, which bond shall have the conditions usually included in the bonds of public officers. The members of the county hospital board shall be selected without regard for partisan political affiliations.

(4) One (1) member of the board of county commissioners shall be appointed to the board either as an ex officio member without vote, or as a voting member, as determined by the board of county commissioners at the time of the appointment. If the county commissioner member is appointed as a voting member, the board of county commissioners shall also appoint another member to the hospital board as provided in subsection (1) of this section to ensure the board is comprised of an odd number of voting members.

(5) In addition to the appointed members of the county hospital board, the chief executive officer shall be an ex officio member of the county hospital board, but without vote.

[31-3603, added 1946 (1st E.S.), ch. 38, sec. 3, p. 75; am. 1957, ch. 57, sec. 1, p. 98; am. 1973, ch. 98, sec. 1, p. 166; am. 1975, ch. 58, sec. 1, p. 122; am. 1977, ch. 139, sec. 1, p. 300; am. 1982, ch. 340, sec. 2, p. 852; am. 1997, ch. 147, sec. 1, p. 423.]

31-3604. TERM OF OFFICE OF MEMBERS. The term of office of the members of the county hospital board shall be three (3) years and until a successor is appointed and qualified: Provided, that of the first board appointed one-third (1/3) of the membership, or as nearly one-third (1/3) as the number to be appointed shall permit, shall be appointed for the term of one (1) year; one-third (1/3) of the membership, or as nearly one-third (1/3) as the number to be appointed shall permit, for the term of two (2) years; and one-third (1/3) of the membership, or as nearly one-third (1/3) as the number to be appointed shall permit, for the term of three (3) years. All succeeding appointments shall be for the term of three (3) years, except that any vacancy occurring by reason of death, resignation or other cause shall be for the remainder of the term of the member whose office becomes vacant.

[31-3604, added 1946 (1st E.S.), ch. 38, sec. 4, p. 75.]

31-3605. ORGANIZATION OF BOARD -- TERM OF EXISTENCE. The county hospital board may be created under the provisions of this chapter at any time, and when created the members of the county hospital board who have been appointed and qualified shall, within ten (10) days after the appointment of the board, meet, organize and enter upon the performance of its duties. A county hospital board once created shall continue until such time as its discontinuance is ordered by a majority vote of the qualified electors of the county voting upon the question of discontinuance of the county hospital board at an election, held subject to the provisions of section [34-106](#), Idaho Code, at which the question is submitted to the electors for their vote by appropriate action and proceedings of the board of county commissioners.

[31-3605, added 1946 (1st E.S.), ch. 38, sec. 5, p. 75; am. 1995, ch. 118, sec. 35, p. 459.]

31-3606. MEETINGS AND QUORUM. The county hospital board shall hold its meetings and shall conduct all of its business at a place to be designated by the board of county commissioners or as may be subsequently designated by resolution of the county hospital board, and shall meet at its place of business in regular session on the first Monday of each month, or at such other time as may be adopted by resolution of the county hospital board, and at such other times as may be necessary or convenient for the transaction of its business. Any member of the board absent for three (3) successive regular meetings may be deemed to have resigned from the board and the board of county commissioners shall immediately appoint another person in the manner provided in section [31-3603](#), Idaho Code, to fill the vacancy so occurring. Special meetings shall be called by the chairman of the county hospital board by written notice of at least three (3) days served upon or delivered to each member of the board. The board may recess or continue to a time certain any meeting, regular or special, by motion adopted and included in its minutes.

[31-3606, added 1946 (1st E.S.), ch. 38, sec. 6, p. 75; am. 1970, ch. 129, sec. 1, p. 303; am. 1982, ch. 340, sec. 3, p. 852.]

31-3607. DUTIES OF BOARD. (a) Fiscal Affairs. -- The county hospital board shall be charged with the care, custody, upkeep, management and operation of all property belonging to the county and devoted to the purposes provided in section [31-3501](#), Idaho Code, and shall be responsible for all moneys received by it, including all revenues from the operation of such property, all moneys received by tax levies for operation of such property, and all moneys received from whatever source, by contribution or otherwise, for such purposes: Provided, that if any contribution of money or property be offered to the hospital board of the county for use for a specific purpose the hospital board may, if it deems it for the best interest of the hospital or other facility or property under its management, accept such contribution and use such contribution for such purpose.

(b) Funds -- Custody and Disbursement. -- The hospital board shall safely keep or cause to be kept all moneys coming into the care, custody or possession of the board in strict compliance with the public depository law of this state, and shall pay out such money for valid bills and obligations of the hospital, and shall keep or cause to be kept proper records in its minutes of all its proceedings and all business transactions and proper accounts of all moneys received by it, expended and on hand. The minutes of the board shall be open to inspection by any taxpayer or elector of the county during all regular office hours.

(c) Reports. -- The county hospital board shall report to the board of county commissioners within thirty (30) days after the acceptance of the annual hospital audit after the close of the fiscal year and shall annually publish in one (1) issue of a newspaper having general circulation in the county a financial statement reflecting the financial operations of the hospital, together with such other information as the board of county commissioners may deem necessary for the information of the people of the county. The county hospital board shall also prepare in its regular course of business unaudited monthly financial reports reflecting the financial operations of the hospital. The county hospital board shall provide a copy

of those monthly reports to the member of the board of commissioners serving as an ex officio member of the county hospital board.

(d) Limitations. -- The county hospital board subject to the budgetary limitations herein contained may acquire or build other property for the purposes provided in section [31-3501](#), Idaho Code, or improve, remodel, enlarge, reduce, or dispose of property being used for such purposes. The county hospital board shall not have power to create any indebtedness in excess of the amount of its annual budget as approved by the board of county commissioners: Provided, that if the county hospital board be formed after the time fixed by law for adoption of the budget, it may then formulate and submit to the board of county commissioners a budget for the rest of the current year, which budget, however, shall not provide for expenditure or creation of indebtedness in an amount greater than the estimated income for that year, together with any receipts from taxes specially levied for hospital purposes in such year.

[31-3607, added 1946 (1st E.S.), ch. 38, sec. 7, p. 75; am. 1970, ch. 129, sec. 2, p. 303; am. 1982, ch. 340, sec. 4, p. 853; am. 1993, ch. 112, sec. 5, p. 287; am. 2022, ch. 318, sec. 59, p. 1031.]

31-3608. OFFICERS OF BOARD. The county hospital board shall elect a chairman, vice-chairman, a secretary and a treasurer. The chairman and vice-chairman shall be members of the board. The secretary may be a member of the board or otherwise, as the board may determine. The treasurer may be a member of the board or otherwise, as the board may determine. The chairman or vice-chairman shall preside at all meetings, call special meetings and shall sign all minutes of the board when the same have been approved. The chairman or vice-chairman, or such other members of the board as the board may designate, shall be authorized by the board to approve disbursements of funds in the custody of the hospital board.

The secretary shall receive such pay as the board may direct, and shall keep the minutes of all meetings in a book provided for that purpose, and shall sign the same when said minutes have been approved.

The treasurer shall have custody of the moneys for which the hospital board is responsible, and shall disburse the same only upon authorization of the board. It shall be the duty of the treasurer to invest idle moneys. Such investment of idle moneys shall be limited to investments that carry an A rating or better by a commonly known rating service and that are authorized by the legislature for the state treasurer pursuant to sections [67-1210](#) and [67-1210A](#), Idaho Code. The treasurer shall receive such pay for services as the board may determine, and shall be required to file bond for the faithful performance of his duties as treasurer in an amount at least equal to the largest amount of money to come into his hands.

[31-3608, added 1946 (1st E.S.), ch. 38, sec. 8, p. 75; am. 1982, ch. 340, sec. 5, p. 854; am. 2015, ch. 206, sec. 2, p. 634.]

31-3609. CHIEF EXECUTIVE OFFICER AND EMPLOYEES. The county hospital board shall select and employ a competent chief executive officer whom they shall vest with general managerial powers over the operation of the hospital property, subject to the provisions of this act and subject to the rules and regulations for the conduct of the hospital affairs as formulated by the hospital board and approved by the board of county commissioners, together with such assistant or assistants as the board may find necessary or conve-

nient to the efficient and successful operation of the hospital property. The board shall fix a salary to be paid to the chief executive officer and to any assistant chief executive officer or chief executive officers, and shall be authorized to contract with competent persons for such services for such period as the board may authorize. The chief executive officer shall be responsible for the employment, supervision, direction, assignment and discharge of all operating employee personnel. Payment for such services shall be according to the scale of wages as fixed by the hospital board and in effect at the time. The hospital board shall have the power to change, by increase or decrease, the scale of wages to be paid at any time.

Any suit or action instituted to recover any debt or monies due any county hospital arising out of the operation thereof may be instituted by the chief executive officer of such hospital in his official capacity and in the name of the hospital. The chief executive officer shall account to the county hospital board for all sums so collected.

[31-3609, added 1946 (1st E.S.), ch. 38, sec. 9, p. 75; am. 1955, ch. 102, sec. 1, p. 224; am. 1982, ch. 340, sec. 6, p. 854.]

31-3610. RULES AND REGULATIONS FOR OPERATION OF HOSPITAL PROPERTY -- HOSPITAL STAFF. The county hospital board shall have power to formulate and adopt such rules and regulations for the conduct and operation of the hospital property as it may deem necessary or convenient for the efficient, economical and successful operation thereof, and which rules and regulations when approved by the board of county commissioners shall be in full force and effect. It shall be the duty of the county hospital board to formulate and adopt such changes, additions, modifications and rescissions of the rules and regulations as it may find or deem necessary or convenient for the efficient, economical and successful operation of the hospital property, which changes, additions, modifications and rescissions when approved by the board of county commissioners shall be in full force and effect.

Such rules and regulations may, as a part thereof, establish a standard or standards upon which persons will be admitted to the hospital staff of physicians and surgeons; provide procedure and requirements for application and admission to such staff; provide procedure and causes for the removal of any person or persons from such staff; provide for the making of, inspection, study and review of reports upon cases which are or have been in the hospital property; and any and all such other matters and things as may be required to bring and keep the hospital property and its operations to the standard required for accrediting and acceptance under the hospital licensure requirements of the state of Idaho and, if the board deems it appropriate, under accreditation standards of the joint commission on the accreditation of hospitals.

[31-3610, added 1946 (1st E.S.), ch. 38, sec. 10, p. 75; am. 1982, ch. 340, sec. 7, p. 855.]

31-3611. RULES AND REGULATIONS OPEN TO INSPECTION -- CERTIFIED COPIES -- PERSONS CHARGEABLE WITH KNOWLEDGE. All rules and regulations for the operation of the hospital property which are in effect shall be kept on file in the office of the secretary of the county hospital board, and shall be open to the inspection of any person at any time during regular business hours. Copies certified as full, true and correct shall be furnished to any person upon payment of such fee as may be fixed by the county hospital board. Every

officer and employee of the hospital, and every member of the staff of physicians and surgeons shall be responsible for knowledge of and full compliance with such rules and regulations.

[31-3611, added 1946 (1st E.S.), ch. 38, sec. 11, p. 75.]

31-3612. FISCAL YEAR -- RECEIPT OF MONEYS. The fiscal year of the county hospital board shall be from the date fixed by the county hospital board to the same day and month of the next succeeding year. All moneys received by the county hospital board from whatever source shall be paid into the treasury of the county hospital board. Any moneys remaining on hand in such treasury at the end of each fiscal year shall not be paid into the general fund of the county, but shall be retained by the treasurer of the county hospital board and included and used as cash on hand in the budget for hospital operation in the next fiscal year.

[31-3612, added 1946 (1st E.S.), ch. 38, sec. 12, p. 75; am. 1970, ch. 129, sec. 3, p. 303.]

31-3613. ANNUAL BUDGET -- TAX LEVY. The county hospital board shall prepare and submit to the board of county commissioners each year a budget for the operation of the hospital property at the time and in the form as provided by law for the preparation and submission of budgets by other county departments. The board of county commissioners shall thereafter approve, or amend or modify such budget as it deems proper, and as approved or amended or modified shall include the same in the county budget. No tax levy for the purpose of this act shall exceed six hundredths percent (.06%) of the market value for assessment purposes on all taxable property in the county. When taxes levied for the purposes of this act have been collected they shall be paid to the treasurer of the county hospital board, without charge for collection, to be used for the purposes authorized by this act.

[31-3613, added 1946 (1st E.S.), ch. 38, sec. 13, p. 75; am. 1961, ch. 176, sec. 2, p. 270; am. 1995, ch. 82, sec. 6, p. 223.]

31-3614. TAXING UNIT -- TAX ANTICIPATION NOTES OR WARRANTS AUTHORIZED. Upon the creation and appointment of the county hospital board by the board of county commissioners the county hospital board shall become and be a taxing unit under the provisions of the Idaho budget law, and as such shall be empowered to issue tax anticipation notes or warrants as provided by law for hospital operation.

[31-3614, added 1946 (1st E.S.), ch. 38, sec. 14, p. 75.]

31-3615. CONTRACTING AND PROCUREMENT POWERS OF BOARD. The county hospital board shall have power to contract for, purchase and pay for all material, equipment, services and supplies necessary or convenient for the efficient, economical and successful operation and maintenance of the county hospital properties. The county hospital board may make expenditures in accordance with the provisions of [chapter 28, title 67](#), Idaho Code. Moreover, the county hospital board which participates with other hospitals as a member of a group purchasing association that engages in a formal competitive bidding process on behalf of member institutions for the purchase of hospital supplies and equipment may utilize that bidding process established

by [chapter 28, title 67](#), Idaho Code. For purposes of this subsection, payment for services may include reasonable expenses incident to the hiring or maintaining of hospital staff, chief executive officers, board members or operating employee personnel, to be incurred and paid under rules and regulations adopted and approved as described in section [31-3610](#), Idaho Code.

[31-3615, added 1946 (1st E.S.), ch. 38, sec. 15, p. 75; am. 1955, ch. 102, sec. 2, p. 224; am. 1975, ch. 91, sec. 1, p. 187; am. 1981, ch. 24, sec. 1, p. 42; am. 1982, ch. 340, sec. 8, p. 856; am. 1983, ch. 26, sec. 1, p. 75; am. 2005, ch. 213, sec. 2, p. 638.]

31-3616. HOSPITAL SERVICE UPON PREPAYMENT OR ASSURANCE PLAN. The county hospital board shall have power to contract with persons, associations, corporations or any other bodies engaged in providing for hospital service upon a prepayment or assurance plan, for the rendition of service by the hospital in the future, and under such contracts may accept and credit to the payer any sum or sums of money in prepayment of services to be rendered in the future, but such contracts shall be conditioned upon space and facilities being available in the hospital at the time such services are required. The county hospital board shall have no power to loan or give any money in its possession for hospital purposes to any person, partnership, association, corporation or any other body whatever.

[31-3616, added 1946 (1st E.S.), ch. 38, sec. 16, p. 75; am. 1951, ch. 285, sec. 1, p. 615.]

31-3616A. DISPOSAL OF PERSONAL PROPERTY. Notwithstanding the provisions of section [31-808](#), Idaho Code, county hospital boards may dispose of personal property previously purchased, paid for, or otherwise acquired by the board, so long as any such property to be disposed of has a resale or salvage value not in excess of five thousand dollars (\$5,000) and is not a fixture under section [55-101](#), Idaho Code; provided, that the board shall notify the public of its intent to dispose of any such property prior to sale by publication once in a newspaper of general circulation within the county. Where any such property, regardless of resale or salvage value may, in the board's judgment, pose a threat to public health or safety if disposed of at public auction, the board is authorized to dispose of it without regard to the provisions of section [31-808](#), Idaho Code.

[31-3616A, added 1981, ch. 43, sec. 1, p. 66; am. 1982, ch. 340, sec. 9, p. 856.]

31-3617. LIBERAL INTERPRETATION OF POWERS OF BOARD. The grant of powers in this act contained to county hospital boards and to the duly authorized officers and agents thereof shall be liberally interpreted and construed as a broad and general grant of powers to the end that the operation and administration of county hospital properties may be efficient, economical and successful; the enumeration of certain powers that would be implied without such enumeration shall not be construed as a denial or exclusion of other implied powers necessary for the free and efficient exercise of the powers expressly granted.

[31-3617, added 1946 (1st E.S.), ch. 38, sec. 17, p. 75.]

31-3618. EXISTING STATUTES NOT AFFECTED. This act is not intended and shall not be construed to repeal or amend existing statutes providing for other method or methods of operating county hospitals, but is intended to afford an optional means by which any county may, if it so chooses, by action of its board of county commissioners creating and appointing a county hospital board, operate its hospital properties under such county hospital board as provided in this act.

[31-3618, added 1946 (1st E.S.), ch. 38, sec. 18, p. 75.]

31-3619. SEPARABILITY. If any section or sections, or part or parts thereof be held to be unconstitutional, or invalid for any other reason, such holding shall not affect the validity of the remaining portions of the act.

[31-3619, added 1946 (1st E.S.), ch. 38, sec. 19, p. 75.]

31-3620. ACCOUNTS AND REPORTS OF PERSON IN CHARGE. The person in charge of the county hospital shall keep a correct account of all receipts and expenditures in connection therewith and make full and complete reports thereof quarterly to the board of county commissioners. Upon notification by the state controller, all records shall be kept according to the provisions of the uniform accounting manual for local governmental entities authorized under section [67-1075](#), Idaho Code.

[31-3620, added 1992, ch. 83, sec. 7, p. 266; am. 2021, ch. 89, sec. 12, p. 307.]