

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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need for emergency examination, not otherwise ordered by the medical officer in charge of the sanatoria, such examination shall be ordered as prescribed by the rules and regulations established. (Act Apr. 28, 1941, c. 499, §2.)

[251.09]

5388-5. State agency—Powers and duties.—The state agency shall:

(a) Supervise the administration of medical and supplemental care under the provisions of this act.

(b) Formulate and adopt all necessary rules and regulations for carrying out and enforcing the provisions of this act to the end that medical and supplemental care for patients coming within the provisions of this act may be administered uniformly throughout the state.

(c) Prescribe the form of, print, and supply to the various county agencies throughout the state, blanks, reports, and such other forms and documents as it may deem necessary or advisable.

(d) Prescribe and maintain a uniform system of fiscal reporting for, and accounting of, all expenditures under this act.

(e) Prepare and print within a reasonable time after the close of each fiscal year a full and complete report for said year giving an account of the operation of this act, the expenditure of all funds thereunder, and adequate statistical data relative to the patients benefiting by the provisions of this act and the nature and type of the treatment given thereunder.

(f) Reimburse to each county agency making expenditures under and pursuant to the provisions of this act such sums, quarterly, as said county agencies may have expended pursuant to the rules and procedures established hereunder by the state agency. Reimbursement shall be made upon the basis of such certification of expenditures as shall be required from the county agency by the state agency. (Act Apr. 28, 1941, c. 499, §3.)

[251.10]

5388-6. Consultation with sanatoria superintendents.—In promulgating rules and regulations covering the granting of medical and supplemental care to patients and in setting minimum standards therefore, the state agency shall have due regard for, and shall consult with, the superintendents of the county tuberculosis sanatoria and the state tuberculosis sanatorium. (Act Apr. 28, 1941, c. 499, §4.)

[251.11]

5388-7. County agency—Duties and powers.—The county agency shall:

(a) Pursuant to the rules, regulations and standards established by the state agency, inquire into and determine the amount of medical and supplemental care needed by each patient coming within the purview of this act and who is a resident of the county concerned for the purposes of this act.

(b) Prepare and submit promptly to the state agency all applications, forms, and fiscal reports established and required by the state agency pursuant to the provisions of this act.

(c) Pay in the first instance such sums for medical and supplemental care as are found necessary under the provisions of this act. It is specifically provided hereby that such payments of medical and supplemental care are no part of such grants of relief or assistance as are found necessary for the usual care of the patient, all payments provided for herein being over and above and in addition to such regular grants of relief and assistance.

(d) Report to the state agency such expenditures for medical and supplemental care as are made by the county agency pursuant to the provisions of this act and receive reimbursement therefore quarterly from the state agency.

(e) Prepare and submit such statistical and fiscal reports as the state agency may require hereunder. (Act Apr. 28, 1941, c. 499, §5.)

[251.12]

5388-8. Persons to whom act applies.—Medical and supplemental care under the provisions of this act may be granted to a discharged tuberculous patient who:

(a) Has a tuberculous condition within the definitions established by the state agency pursuant to the provisions of this act.

(b) Has resided in the state of Minnesota and in the county one year prior to the time of entrance into the tuberculosis sanatorium. (Act Apr. 28, 1941, c. 499, §6.)

[251.13]

5388-9. Funds not transferable.—No funds granted under this act for medical and supplemental care shall be transferable or assignable at law or in equity and must be used for the sole purpose of payment for medical and supplemental care as defined in this act. (Act Apr. 28, 1941, c. 499, §7.)

[251.14]

5391-1. Federal aid for maternal and child welfare service—Custodian of fund—Etc.

No state department may enter into arrangement with children's bureau and wage and hour division of United States Department of Labor under which state agencies will make investigations and inspections for purpose of enforcement of federal laws relating to child labor and to wages and hours, notwithstanding that federal government agrees to reimburse state for expenses from time to time. Op. Atty. Gen., (270a-2), Nov. 10, 1939.

SUBJECTS FOR DISSECTION

5392. Delivery of bodies to medical schools.

Dead body cannot be given to medical school for dissection as an unknown if identity can be ascertained by reasonable inquiry. Sworski v. S., 208M201, 293NW309. See Dun. Dig. 2599.

5393. What bodies excepted.

Those in charge of public institutions have not performed their full duty by passively waiting for thirty-six hours after death of an inmate for some person to assert a claim to the body, and if it is known that person has relatives, those in charge should inquire of such relatives, if they can be found, concerning their wishes relative to disposition of the body, and if relatives are indifferent and assert no claims, then body may be disposed of in manner provided by statute. Op. Atty. Gen. (88a-27), May 13, 1942.

CHAPTER 29A

Regulation of Hospitals and Related Institutions

5394-25. Hospitals must obtain licenses.—No person, partnership, association or corporation, nor any state, county or local governmental units, nor any division, department, board or agency thereof, shall establish, conduct, or maintain in the state of Minnesota any hospital, sanatorium, rest home, nursing home, boarding home or other institution for the hospitalization and/or care of human beings without first obtaining a license therefor in the manner hereinafter provided.

Hospital, sanatorium, rest home, nursing home, boarding home, and other related institutions, within the meaning of this act, shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Provided, however, nothing in this act shall apply to hotels or other similar places that

furnish only board and room, or either, to their guests.

Nothing in this act shall authorize any person, partnership, association or corporation, nor any state, county or local governmental units, nor any division, department, board or agency thereof, to engage, in any manner, in the practice of healing, or the practice of medicine, as defined by law. (Act Apr. 28, 1941, c. 549, §1, as amended Apr. 24, 1943, c. 649, §1.)

[144.50]

All hospitals, sanatoriums, rest homes, nursing homes, boarding homes, or other institutions for hospitalization or care of human beings, must obtain a license. Op. Atty. Gen., (840a-8), June 24, 1941.

A general hospital maintaining a maternity hospital ward will not be required to have two licenses. Id.

"Corporation" does not include municipal corporation, and act does not apply to public institutions maintained by Ramsey County Welfare Board, such as Anchor Hospital and the Ramsey County Home. Op. Atty. Gen. (1001A), Jan. 28, 1942.

Institutions providing hospitalization for sick or injured or care of aged or infirm persons requiring chronic or convalescent care must obtain a license though they obtain money for their support through contract with the individual for care in consideration of a cash payment in a lump sum in advance or by assignment of property, or by solicitation and acceptance from the public of funds in the form of gifts, endowments and bequests, or by an insurance feature of a lodge or a pro rata assessment on lodge member entitling member to maintenance in such institution. Op. Atty. Gen. (1001), May 9, 1942.

Whether a county home operated as a poor farm and in charge of a nurse is a hospital is a question of fact, but in either case is not required to obtain a license. Op. Atty. Gen. (1001b), May 14, 1942.

5394-26. Existing hospitals to obtain licenses.—No person, partnership, association or corporation, nor any state, county or local governmental units, nor any division, department, board or agency thereof, may continue to operate an existing hospital, sanatorium, rest home, nursing home, or boarding home, nor open a hospital, sanatorium, rest home, nursing home, or boarding home after October 1, 1943, unless such operation shall have been approved and regularly licensed by the state of Minnesota as hereinafter provided.

Before a license shall be issued under this act, the person applying shall submit evidence satisfactory to the state department of health that he is not less than 21 years of age and of reputable and responsible character; in the event the applicant is an association or corporation or other governmental unit like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the minimum standards of this act and all regulations adopted thereunder. (Act Apr. 28, 1941, c. 549, §2, as amended Apr. 24, 1943, c. 649, §2.)

[144.51]

5394-27. Application for license—Filing—Contents.—Any person, partnership, association or corporation, including state, county or local governmental units, or any division, department, board or agency thereof, desiring a license hereunder shall file with the state department of health a verified application containing the name of the applicant desiring said license; whether such persons so applying are 21 years of age; the type of institution to be operated; the location thereof; the name of the person in charge thereof. Application on behalf of a corporation or association or other governmental unit shall be made by any two officers thereof or by its managing agents. (Act Apr. 28, 1941, c. 549, §3, as amended Apr. 24, 1943, c. 649, §3.)

[144.52]

5394-28. Fees—Transfer of licenses.—Each application for a license to operate a hospital, sanatorium, rest home, nursing home, or boarding home or related institution within the meaning of this act shall be accompanied by a fee to be determined by the number of beds available for patients thereof; those

with less than 50 such beds shall pay a fee of \$10.00; those with 50 beds or more and less than 100 beds shall pay a fee of \$15.00; those with 100 beds or more and less than 200 beds shall pay a fee of \$20.00; those with 200 beds or more shall pay a fee of \$25.00. No such fee shall be refunded. All licenses issued hereunder shall be renewed annually upon payment of a like fee. All fees received by the state department of health under the provisions of this act shall be paid into the state treasury to the credit of the state department of health for the purpose of carrying out the general provisions of this act.

No license granted hereunder shall be assignable or transferable. (Act Apr. 28, 1941, c. 549, §4.)

[144.53]

5394-29. Periodical inspection.—Every building, institution or establishment for which a license has been issued shall be periodically inspected by a duly appointed representative of the state department of health under the rules and regulations to be established by said state department of health. No institution of any kind licensed pursuant to the provisions of this act shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, lodging houses, boarding houses and places of refreshment. (Act Apr. 28, 1941, c. 549, §5.)

[144.54]

5394-30. State board of health—Issuance, suspension and revocation of licenses—New licenses.—The state department of health is hereby authorized to issue licenses to operate hospitals, sanatoriums, rest homes, nursing homes, or other related institutions as herein defined, which, after inspection are found to comply with the provisions of this act and any reasonable regulations adopted by said state department of health. All decisions of the state department of health hereunder may be reviewed in the district court in the county in which such institution is located or contemplated.

The state department of health is hereby authorized to suspend or revoke a license issued hereunder, on any of the following grounds:

1. Violation of any of the provisions of this act or the rules and regulations issued pursuant thereto.
2. Permitting, aiding, or abetting the commission of any illegal act in such institution.
3. Conduct of practices detrimental to the welfare of the patient.

Provided that before any such license issued hereunder is suspended or revoked, 30 days' written notice shall be given the holder thereof of the date set for hearing of the complaint. The holder of such license shall be furnished with a copy of said complaint and be entitled to be represented by legal counsel at such hearing. Such notice may be given by the state department of health by registered mail.

If a license is revoked as herein provided, a new application for license may be considered by the state department of health if, when, and after the conditions upon which revocation was based has been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of this act and rules and regulations hereunder as heretofore or hereinafter provided has been complied with and recommendation has been made therefor by the hospital inspector as an agent of the state department of health. (Act Apr. 28, 1941, c. 549, §6.)

[144.55]

5394-31. Standards established.—The state department of health shall have the power to establish reasonable standards under this act which it finds to be necessary and in the public interests and may rescind or modify such regulations from time to time as may be in the public interest, insofar as such action is not in conflict with any of the provisions of this act.

An advisory board of seven members shall be appointed in the following manner to make recommendations to the state department of health and to assist in the establishment of such standards and any amendments thereto. This board shall consist of four members to be appointed annually from the membership of the Minnesota hospital association, by the board of trustees thereof, one of said four members shall be the superintendent of a hospital operated by a county or other local governmental unit, and two members shall be doctors of medicine to be appointed annually from the Minnesota state medical association by the council of the Minnesota state medical association. The director of public institutions of the state of Minnesota, or a person from said division designated by him, shall be the seventh member of said advisory board. Provided, however, that no regulation nor requirement shall be made, nor standard established, under this act for any sanatorium, nursing home, nor rest home conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment. (Act Apr. 28, 1941, c. 549, §7, as amended Apr. 24, 1943, c. 649, §7.)

[144.56]

5394-32. Application of act—Transfer of personnel.—All hospitals, sanatoriums, rest homes, nursing homes, and related institutions within the meaning of this act, including such hospitals as are strictly maternity hospitals only, shall come within this act and this act shall be in extension of the maternity hospital licensing law and shall not in any way be construed to restrict or modify such act, except that such maternity hospital licenses shall hereafter be issued by the state department of health. All personnel now a part of the division of social welfare who are charged with the enforcement of the maternity hos-

pital licensing law shall be transferred to the state department of health. Such transferred employees shall retain their present civil service status. (Act Apr. 28, 1941, c. 549, §8.)

[144.57]

All functions provided for in maternity licensing law that are specifically covered in this act are necessarily transferred to department of health, and in addition such administrative procedure as is necessary to proper functioning. Op. Atty. Gen., (840a-8), June 24, 1941.

Licensing of maternity hospitals is one of functions transferred to department of health, and it is no longer necessary for division of social welfare to issue license. Id.

5394-33. Information received considered confidential—Exception. Information received by the state department of health through inspections and authorized under this act shall be confidential and shall not be disclosed except in a proceeding involving the question of licensure. (Act Apr. 28, 1941, c. 549, §9.)

[144.58]

5394-34. Violation of Provisions—Penalties.—Any person, partnership, association, or corporation, including state, county or local governmental units, or any division, department, board or agency thereof, establishing, conducting, managing, or operating any hospital, sanatorium, rest home, nursing home, or institution within the meaning of this act, without first obtaining a license therefor as herein provided, or shall violate any of the provisions of this act or regulations thereunder, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$100.00 or a sentence of not to exceed 90 days in the county jail. (Act Apr. 28, 1941, c. 549, §11, as amended Apr. 24, 1943, c. 649, §10.)

[144.49]

5394-35. Time act takes effect.—This act shall take effect and be in force from and after the first day of January, 1942. (Act Apr. 28, 1941, c. 549, §11.)

CHAPTER 30

Live Stock Sanitation

5399. Reporting disease—Compelling testimony.

Prospective purchasers of cattle conducting a private test for Bang's disease commit a misdemeanor if they do not notify board when they find reactors. Op. Atty. Gen. (293b-8), Dec. 18, 1942.

5403. Same—Inspection before killing—Appraisal of and payments to owners for animals killed—Eradication of foot and mouth diseases.—(a) Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis; Bang's disease, nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis, paratuberculosis, glanders, or Bang's disease, the value of the net salvage of the carcass shall be deducted from the appraised value of the living animal; two-thirds of the remainder shall be paid to the owner by the state, except that in all cases where the federal bureau of animal industry compensates the owner for such animal, in whole or in part, then the amount of such compensation so received from the federal government shall be deducted from the amount of indemnity payable by the state; provided that in no case shall any payment be more than \$15.00 for grade females or more than \$30.00 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful rules and regulations of the board; and provided further that two-thirds of the appraised value of any horse slaughtered as provided herein shall be paid to the owner thereof

by the state after disposal of the carcass of said horse as directed by the board.

(b) The owner of any animal, as provided in this act, shall be entitled to indemnity therefor as herein provided, except in the following cases:

1. Indemnity shall not be paid for steers or grade bulls.

2. Animals which have not been kept for one year, or since their birth in good faith, in the state.

3. Animals brought into the state, or from one county into another within the state, contrary to any provision of law or rules and regulations of the board.

4. Animals diseased at time of arrival in this state.

5. Animals belonging to the United States.

6. Animals belonging to institutions maintained by state, county or municipality.

7. Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession, or when the owner shall have been guilty of negligence by wilfully exposing his animal or animals to Bang's disease, or if the animals have been injected with Bang's disease vaccine. Bacterin or other preparations made from or through the agency of Brucella Micro-organisms unless done in compliance with the rules and regulations of the state livestock sanitary board.

8. When the owner has received indemnity as a result of a former inspection or tests and has hereafter introduced into his herd any animals which theretofore had not passed the tuberculin or Bang's disease test.