

CHAPTER 141

PRIVATE TRADE SCHOOLS

141.01 DEFINITIONS

A private educational institution does not automatically fall within the provisions granted by Minnesota Constitution, Article IX, Section 1, merely by designating itself a vocational institute, a college, a seminary of learning, or other like term. To justify a finding that it is exempt, the evidence must establish that it offers courses which may be readily assimilated and those of a publicly supported elementary school, high school, college, seminary of learning, or university. In the instant case the institute did not come within the proper classification and is denied tax exemption. *State v NW Vocational Institute*, 232 M 377, 45 NW(2d) 653.

Fashion modeling schools are subject to licensing as "a private trade school" under the provisions of section 141.01 et seq. OAG April 23, 1952 (170-I).

If a soldier is entitled to tuition or a similar benefit under a federal law, rule, or regulation, he is not entitled to benefits under the Minnesota law until he has exhausted his rights under the federal law. If a school teaches exclusively business subjects, it is not a trade school, and if the department of education has approved the school to be a trade school, a soldier is entitled to have his tuition paid for the course which he selects. OAG Oct. 13, 1953 (823).

141.04 LICENSE REQUIRED

Where a trade school operates without a license the industrial commission, under whose authority the license is issued, should advise the county attorney whose duty it is to prosecute the accused. If after the conviction the violator still continues to operate the school, the fact should be submitted to the attorney general who may, on behalf of the state, institute or cause to be instituted, injunction proceedings. OAG Dec. 12, 1951.

HEALTH

CHAPTER 144

DEPARTMENT OF HEALTH

NOTE: The department was created by Laws 1872, Chapter 15, revised by Laws 1893, Chapter 97, continued with existing powers and duties by Laws 1925, Chapter 426, and not disturbed by the reorganization imposed by Laws 1939, Chapter 431.

STATE BOARD OF HEALTH

144.01 STATE BOARD OF HEALTH

HISTORY. 1872 c 15 s 1; 1893 c 97 s 1; 1925 c 426 art 1 s 1.

144.03 GENERAL DUTIES OF OFFICERS

HISTORY. 1872 c 15 s 3, 4; 1893 c 97 s 2.

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DEPARTMENT OF HEALTH 144.152

144.04 EXPENSES

HISTORY. 1872 c 15 s 3; 1893 c 97 s 2; 1951 c 713 s 14.

144.05 GENERAL DUTIES OF BOARD; REPORTS

Physicians, as well as others, may by rule of the board be required to report cases of cancer that have come to their attention. Persons making such reports are not liable in damages. OAG July 24, 1947 (225).

144.07 POWERS OF BOARD

Where the state board of health accepted federal aid under the Hospital Survey Planning and Construction Act, those members of the council provided for in the federal act may be paid for their services and travel expenses. OAG June 5, 1947 (225-B-1).

144.075 CUP VENDING AND OTHER MACHINES; INSPECTION

HISTORY. 1953 c 674 s 1.

144.08 POWERS AND DUTIES OF HOTEL INSPECTORS AND AGENTS; INSPECTIONS AND REPORTS

Inspections of food offered or sold under chapter 31 and inspections of the places enumerated in sections 31.28 and 31.29, while overlapping the duties conferred upon the department of health under sections 157.01 to 157.14, are not necessarily in conflict. There is no conflict in the performance of the duties committed to each of the administrative agencies which would impair the conscientious performance thereof by either. OAG Nov. 29, 1948 (135-A-6).

144.12 REGULATIONS, ENFORCEMENT

HISTORY. 1883 c 132 s 1; 1903 c 299 s 1; 1917 c 345 s 1; 1923 c 227 s 1; 1951 c 537 s 1; 1953 c 134 s 1.

VITAL STATISTICS

144.15 Repealed, 1945 c 512 s 37.

144.151 DEFINITIONS

An old age assistance applicant need not attach a certified copy of his birth record to his application. The birth records of the clerk of the district court are open to inspection without the payment of any fee. OAG Aug. 25, 1948 (521-D).

Under the Uniform Vital Statistics Act, burial permits are issued by the "local registrar." By the amendment of Laws 1953, Chapter 309, the clerk of the Anoka county district court is the local registrar for the city of Anoka and until the city elects to maintain local registration, burial permits will be issued by the clerk of the Anoka county district court. OAG July 9, 1953 (225-C-1).

144.152 DIVISION OF VITAL STATISTICS

Section 144.152 imposes upon the state board of health the duty to install a state wide system of vital statistics. The registrar is required to enforce the laws and regulations of the board and has advisory powers over the local registrars. The whole matter of registration is statutory and officers charged with duties have only the duties named by the statutes. When the court seeks to exclude a public record from public inspection the result is accomplished by sealing such record and permitting its future examination only upon order of the court. Obliterating a record or otherwise destroying it so as to render its contents unintelligible is not expressly authorized by the legislature. OAG Dec. 3, 1948 (225-L).

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144.157 LOCAL REGISTRARS; SUB-REGISTRARS; DESIGNATION; DUTIES; FEES

HISTORY. 1945 c 512 s 7; 1953 c 300 s 2.

Laws 1953, Chapter 309, Section 2, takes away the authority and duty of the village clerk to act as legal registrar of vital statistics in his village and substitutes in his place the clerk of the district court in the county in which the village is situated. The clerk, however, having custody of the original records, may prepare certified copies of certificates which have accumulated in prior years and which are in his custody by virtue of section 600.13. OAG Oct. 23, 1953 (225-C-1).

144.16 Repealed, 1945 c 512 s 37.

144.167 PRIMA FACIE EVIDENCE

The statute providing that death certificate is prima facie evidence of facts therein stated does not apply to conclusions or inferences as to the identity of the individual who caused the death. In a murder prosecution, wherein defendant's cross-examination of the coroner cast doubt on the qualifications of the coroner by making a substantial issue of the proper execution of the death certificate, such certificate was admissible on re-direct examination to rehabilitate the witness as to his qualifications and proper conduct. State v DeZeller, 230 M 39, 41 NW(2d) 313.

144.169 FEES; DEPOSITED WITH STATE TREASURER

A certified copy of a birth certificate may be issued without charge to a person needing same in connection with service in the armed forces of the United States. OAG Jan. 30, 1951 (310).

144.17 Repealed, 1945 c 512 s 37.

144.171 DELAYED CERTIFICATE

HISTORY. 1945 c 512 s 20; 1951 c 631 s 1.

144.175 ACCESS TO RECORDS

HISTORY. 1945 c 512 s 24; 1947 c 517 s 8.

144.176 ADOPTION

HISTORY. 1945 c 512 s 25; 1949 c 466 s 1; 1951 c 175 s 1; 1953 c 595 s 1.

This section does not give the director of the division of vital statistics authority to require a clerk of the district court to perform any act of his office. OAG Dec. 3, 1948 (224-L).

144.18 Repealed, 1945 c 512 s 37.

144.182 DEATH OUTSIDE STATE, BURIAL PERMIT

HISTORY. 1945 c 512 s 29; 1951 c 482 s 1.

144.19 Repealed, 1945 c 512 s 37.

144.191 DUTIES OF REGISTRAR

HISTORY. 1945 c 512 s 31; 1947 c 517 s 1-4; 1953 c 309 s 3.

144.20 Repealed, 1945 c 512 s 37.

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DEPARTMENT OF HEALTH 144.424

144.201 CLERK OF COURT, BIRTH CERTIFICATE

HISTORY. 1945 c 512 s 32; 1947 c 517 s 5; 1951 c 27 s 1.

144.202 CLERK OF COURT, DEATH CERTIFICATE

HISTORY. 1945 c 512 s 33; 1951 c 27 s 2.

144.204 Unnecessary.

144.21-144.28 Repealed, 1945 c 512 s 37.

HEALTH RECORDS AND REPORTS

144.29 HEALTH RECORDS; CHILDREN OF SCHOOL AGE

NOTE: School census, section 132.04.

WATER POLLUTION

144.35 POLLUTION OF WATER

A riparian owner has no property in public waters. He may make reasonable use thereof. Throwing or depositing deleterious substances into public waters which impair the healthfulness of the water or which is detrimental to fish life is prohibited. OAG July 23, 1952 (273-A-16).

144.372 WATER POLLUTION CONTROL COMMISSION

HISTORY. 1945 c 395 s 2; 1951 c 517 s 1, 2.

144.373 POWERS AND DUTIES

Contracts for construction or expansion of a disposal plant without obtaining written permit from the commission as required by section 144.377 would be non-enforceable. OAG Oct. 14, 1948 (225-M).

144.379 Unnecessary

TUBERCULOSIS

144.42 PHYSICIANS TO REPORT

HISTORY. 1913 c 434 s 1; 1949 c 771 s 1.

144.422. TUBERCULOSIS SUSPECTS

HISTORY. 1951 c 341 s 1-5.

Counties are not responsible for the cost of the care and maintenance and treatment of tubercular patients who have not resided in any county continuously for one year next preceding commitment. OAG Sept. 10, 1951 (556-A-1).

144.423 Repealed, 1951 c 314 s 8.

144.424 REGULATIONS; VIOLATIONS; RELEASE; DISORDERLY CONDUCT

HISTORY. 1949 c 471 s 3; 1951 c 314 s 6.

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144.425 PATIENTS' FACILITIES PROVIDED; TRANSFER

HISTORY. 1949 c 471 s 4; 1951 c 314 s 7.

Where a tubercular patient had no legal settlement or residence in the state at the time of her proposed admission to the state sanatorium and accordingly was not admitted thereto in accordance with section 251.02 or sections 144.422 et seq., the cost of sanatorium care of the patient must be paid by the director of social welfare for the maintenance of a county sanatorium. OAG May 21, 1952 (556-B-1).

144.426 Repealed, 1951 c 314 s 8.

144.427 SPUTUM, SALIVA

NOTE: Supersedes section 144.48.

HISTORY. 1949 c 471 s 6.

144.428 HOUSEHOLD SAFEGUARDS

HISTORY. 1949 c 471 s 7.

144.429 REPORTS OF ATTENDING PHYSICIANS; FILED

HISTORY. 1949 c 471 s 8.

144.43 TUBERCULOSIS IN INSTITUTIONS

HISTORY. 1913 c 434 s 2; 1949 c 471 s 10.

144.45 TUBERCULOSIS IN SCHOOLS

HISTORY. 1913 c 434 s 4; 1949 c 471 s 10.

If the local health officer has reason to suspect that either parent or child is afflicted with tuberculosis, the officer may establish reasonable quarantine with respect to the child and other children within the home, and school authorities may refuse them admission to public schools until the health officer shall give his permission for such attendance. OAG Feb. 27, 1947 (611-A-8).

144.46 DISINFECTING OF PREMISES

HISTORY. 1913 c 434 s 5; 1949 c 471 s 11.

144.47 PLACARD POSTED ON INFECTED PREMISES

HISTORY. 1913 c 434 s 6; 1949 c 471 s 12.

144.471 LOCAL BOARD OF HEALTH; DUTIES

HISTORY. 1949 c 471 s 13.

144.48 Renumbered 144.427.

144.49 VIOLATIONS; PENALTIES

HISTORY. 1883 c 132 s 2; 1901 c 230; 1913 c 434 s 8; 1913 c 579 s 3, 14; 1917 c 220 s 6; 1921 c 273 s 1; 1925 c 190 s 2; 1939 c 89 s 1; 1941 c 549 s 10; 1943 c 649 s 1; 1945 c 512 s 35, 37; 1949 c 471 s 14.

The appellate court cannot pass upon a fact situation but can only determine whether the law has been properly applied. Where an instruction on the question of liability of a staff doctor in a hospital for alleged malpractice was made to depend upon a finding of negligence of the doctor himself and not upon the neg-

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ligence of the resident doctor or other employees in the hospital, there was no reversible error. *Moeller v Hauser*, 237 M 368, 54 NW(2d) 639.

A hospital, private or charitable, is liable to a patient for the torts of its employees under the doctrine of respondeat superior. *Moeller v Hauser*, 237 M 368, 54 NW(2d) 639.

In a malpractice action, photographs showing the patient's injured foot were relevant on the issue of the extent of the patient's damage where there was no indication that the photographs were distorted or not an accurate representation of the foot at the time they were made. Such photographs are helpful as an aid to valuable description of objects and conditions provided they are relevant to some material issue. *Moeller v Hauser*, 237 M 368, 54 NW(2d) 639.

HOSPITALIZATION

144.50 HOSPITALS, LICENSES; DEFINITIONS

HISTORY. 1941 c 549 s 1; 1943 c 649 s 1; 1951 c 304 s 1.

144.51 EXISTING HOSPITALS, LICENSES

HISTORY. 1941 c 549 s 2; 1943 c 649 s 2; 1951 c 304 s 2.

144.52 APPLICATION

HISTORY. 1941 c 549 s 3; 1943 c 649 s 3; 1951 c 304 s 3.

144.53 FEES

HISTORY. 1941 c 549 s 4; 1945 c 192 s 1; 1951 c 304 s 4.

144.54 INSPECTIONS

HISTORY. 1941 c 549 s 5; 1951 c 304 s 5.

144.55 LICENSES, ISSUANCE, SUSPENSION, AND REVOCATION BY STATE BOARD OF HEALTH

HISTORY. 1941 c 549 s 6; 1951 c 304 s 6.

144.56 STANDARDS

HISTORY. 1941 c 549 s 7; 1943 c 649 s 7; 1951 c 304 s 7.

A private hospital, although not an insurer of the safety of a patient, must exercise such reasonable care for protection and well-being of a patient as his known physical and mental condition requires or as is required by his condition as it ought to be known to the hospital in exercise of ordinary care. Ordinary care to protect a patient includes protection from danger reasonably to be anticipated from the acts of another person under the hospital's control. Intoxication of such other patient is a danger from which plaintiff should have been protected. *Sylvester v Northwestern Hospital*, 236 M 384, 53 NW(2d) 17.

144.57 Repealed, 1951 c 304 s 8.

144.571 ADVISORY BOARD

HISTORY. 1951 c 304 s 9.

144.572 INSTITUTIONS EXCEPTED

HISTORY. 1951 c 304 s 10.

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144.58 INFORMATION, CONFIDENTIAL

HISTORY. 1941 c 549 s 9; 1951 c 304 s 11.

144.583 DIRECTOR OF SOCIAL WELFARE, POWERS AND DUTIES TRANSFERRED

HISTORY. 1953 c 574 s 1.

144.60 REGISTRATION PROCEDURE

HISTORY. 1947 c 240 s 2; 1949 c 93 s 1.

144.63 RULES AND REGULATIONS

A private hospital, although not an insurer of the safety of a patient, must exercise such reasonable care for protection and well-being of a patient as his known physical and mental condition requires or as is required by his condition as it ought to be known to the hospital in exercise of ordinary care. Ordinary care to protect a patient includes protection from danger reasonably to be anticipated from the acts of another person under the hospital's control. Intoxication of such other patient is a danger from which plaintiff should have been protected. *Sylvester v Northwestern Hospital*, 236 M 384, 53 NW (2d) 17.

144.66 CANCER STATISTICAL RESEARCH

HISTORY. 1949 c 350 s 1.

144.67 INFORMATIONAL AND STATISTICAL RESEARCH

HISTORY. 1949 c 350 s 2.

144.68 RECORDS AND REPORTS

HISTORY. 1949 c 350 s 3.

144.69 INFORMATION NOT AVAILABLE TO PUBLIC

HISTORY. 1949 c 350 s 4.

CHILDRENS CAMPS

144.71 PURPOSE; DEFINITIONS

HISTORY. 1951 c 285 s 1.

144.72 OPERATION

HISTORY. 1951 c 285 s 2.

144.73 STATE BOARD OF HEALTH, DUTIES

HISTORY. 1951 c 285 s 3.

144.74 REGULATIONS, STANDARDS

HISTORY. 1951 c 285 s 4.

144.75 ADVISORY COUNCIL

HISTORY. 1951 c 285 s 5.

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PROVISIONS RELATING TO PUBLIC HEALTH 145.05

144.76 VIOLATION, PENALTY

HISTORY. 1951 c 285 s 6.

ALCOHOLISM

144.81 CONSULTANT ON ALCOHOLISM

HISTORY. 1953 c 705 s 1.

144.82 POWERS, DUTIES

HISTORY. 1953 c 705 s 2.

144.83 MINNESOTA ADVISORY BOARD ON PROBLEMS OF ALCOHOLISM

HISTORY. 1953 c 705 s 3.

144.84 CIVIL SERVICE CLASSIFICATION

HISTORY. 1953 c 705 s 4.

CHAPTER 145

PROVISIONS RELATING TO PUBLIC HEALTH

HEALTH BOARDS AND OFFICERS

145.01 LOCAL HEALTH BOARDS; HEALTH OFFICERS

A contract under which the contractor obligates himself to perform work of a ministerial nature in a village health department is not illegal upon the ground that it involves an illegal delegation of the powers of the city council. *State ex rel v Thomas*, 223 M 435, 27 NW(2d) 155.

145.03 DUTIES OF LOCAL BOARDS OF HEALTH; PENALTIES

Where a physician, at the request of the village health officer, examines school children the village must pay for the physician's services. OAG March 25, 1947 (169-L).

The county may not appropriate funds to pay any part of the cost of an immunization program conducted by a county board of health when not initiated by reason of epidemic. OAG Aug. 15, 1951 (611-A-9).

A public health nurse appointed under the provisions of section 145.03 is not an employee of the county welfare board, nor is such appointee subject to the direction or supervision of the county welfare board. A public health nurse is supported by a specific appropriation and is paid from general revenue and not from welfare funds. OAG July 16, 1949 (905-B).

145.05 POWERS OF HEALTH OFFICER IN ASSUMING JURISDICTION OVER COMMUNICABLE DISEASES

Where a person afflicted with tuberculosis is admitted to a county sanatorium, under section 144.44, the county in which the patient resides is responsible for cost of treatment as against a contention that the community where the act of commitment takes place and the county in which it is located are responsible, irrespective of the residence of the patient. *County of Hennepin v County of Houston*, 229 M 418, 39 NW(2d) 858.