

MINNESOTA STATUTES 1953 ANNOTATIONS

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CARE OF CONSUMPTIVES 251.02

249.10 Renumbered 242.52.

249.11 Renumbered 242.53.

249.12 Renumbered 242.54.

CHAPTER 250

STATE HOSPITAL, CRIPPLED CHILDREN

250.02 CONTROL AND MANAGEMENT

The domicile of an infant is by law the same as his father, if the father is living, and if a guardian is appointed the domicile remains within the state of appointment. Generally the infant has no choice as to his domicile and has no legal power to change it. With respect to residence, the law is more liberal. Where that alone is involved, an infant may acquire a residence different from that of the father or guardian. A child whose mother resides in Wisconsin but who for more than three years has resided in Minneapolis with her uncle is eligible, under section 240.02, to become a patient at the Gillette state hospital for crippled children. OAG Jan. 2, 1948 (840-A-4).

CHAPTER 251

CONSUMPTIVES; CARE IN STATE AND COUNTY SANATORIA, AFTER DISCHARGE

251.02 PERSONS ADMITTED

Where a person afflicted with tuberculosis is admitted to a county sanatorium under the statute authorizing the health officer to report to the county board any person whom he considers a nuisance because afflicted with tuberculosis, the county in which the patient resides is responsible for the cost of treatment, as against the 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.

An individual, a resident of Crow Wing County, while a patient at the Deerwood sanatorium, a county sanatorium maintained by the counties of Crow Wing and Aitkin, for the care of tubercular patients, and unable to pay the charges and having no kindred liable therefor, cannot require the county to transfer her to the state sanatorium at Walker, or to any other sanatorium of her choice, as Crow Wing county would be required in case of such transfer to pay the expense of the care and treatment at the Walker sanatorium. OAG April 5, 1948 (556-A-1).

Patients who are unable to pay charges in a state tuberculosis sanatorium and who are without kindred who are liable may be admitted on the request of the county board and the county will pay the charges. OAG Feb. 27, 1951 (556-A-1).

The state of Minnesota has not provided for the care, maintenance, and treatment of persons who are nonresidents in either state or county sanatoriums, and Laws 1951, Chapter 314, does not indicate any change in state policy. OAG Nov. 19, 1951 (556-A-1).

A county operating under the town system of poor relief is not liable for "after care" of a tubercular patient after discharge from the state sanatorium. OAG Oct. 10, 1949 (556-A-8).

MINNESOTA STATUTES 1953 ANNOTATIONS

251.03 CARE OF CONSUMPTIVES

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251.03 TREATMENT OF NEEDY PERSONS INELIGIBLE FOR ADMISSION TO COUNTY SANATORIUMS

Section 376.16 originated in 1909 making the requirements for admission being: (1) an inhabitant of the county, and (2) afflicted with tuberculosis. Section 376.34 originated with Laws 1913, Chapter 500, Section 7, and has been variously amended. The last amendment being Laws 1945, Chapter 345, Section 2, and since the passage of Laws 1929, Chapter 255, affects and modifies section 376.16 and provides that a person is eligible for admission to the county sanatorium who (1) has been a resident of the county or counties maintaining the sanatorium throughout a year next preceding the application, and (2) is afflicted with tuberculosis. If the applicant is ineligible for admission under section 376.34, such person may be admitted under the provisions of section 251.03 as amended by Laws 1945, Chapter 345. OAG Nov. 1, 1948 (556-A-1).

The county of residence of a patient at the time of admission to the state sanatorium is liable for his charges for care and maintenance and not the county of prior residence or county of settlement for poor purposes. OAG Nov. 20, 1951 (556-A-1).

On Nov. 15, 1949, while the family has its legal settlement in Ramsey County, a minor child was admitted to Ancker Hospital as a tuberculosis patient. On June 7, 1950, the child was transferred to the Preventorium and while there the family on April 19, 1952, moved to Sibley County, where they still reside. The minor child was returned to her parents in Sibley County on July 12, 1953. On Sept. 14, 1953, she was taken to the Cannon Falls Mineral Springs Sanatorium. Based on the above facts, when the father moved to Sibley County she became a resident of that county. Not having been a resident of Sibley County for one year immediately preceding the application exclusive of the time spent in the hospital or sanatorium, she is not eligible for care at the expense of Sibley County. As neither county is liable the commissioner of public welfare should apply for admission of the child either to the state sanatorium for consumptives or to some county sanatorium in the state, and pay for such care out of his appropriations for the maintenance of county sanatorium funds, as provided by section 251.02. OAG. Oct. 23, 1953 (556-B-1).

251.04 Repealed, 1947 c 616 s 5; 1949 c 558 s 7.

251.041 SANATORIUM EMPLOYEES CONTRACTING TUBERCULOSIS ENTITLED TO MEDICAL CARE AND COMPENSATION

HISTORY. 1947 c 616 s 1; 1949 c 558 s 2.

For an employee to be covered under section 251.041 et seq, contact with persons afflicted with tuberculosis, or with material contaminated with tuberculosis, must be shown. Upon review by the appellate court the findings of the industrial commission are entitled to great weight and the court will not disturb them unless they are manifestly contrary to the evidence. *Peterson v State*, 234 M 81, 47 NW(2d) 760.

It is the duty of the employing state institution to furnish the industrial commission with the facts authorizing the stoppage of compensation to employees of the state sanatorium, or other public institution, receiving compensation under sections 251.041 to 251.045, as amended by Laws 1949, Chapter 558. It is the province of the industrial commission to determine the ultimate fact question as to whether or not the employee is able to resume his previous position, or is able to pursue without injury some other normal work or occupation, but it is the duty of the superintendent of the institution to furnish the factual information and make investigation of the fact circumstances on which the ultimate determination of fact is made. The medical staff of the institution may be called upon to assist in determining the facts. OAG Jan. 16, 1950 (523-G).

Under the provisions of Laws 1947, Chapter 616, Section 3, as amended by Laws 1949, Chapter 558, payment of compensation to tubercular state employees comes within the provisions of sections 176.71, 176.75, 176.78, and 176.79. OAG May 5, 1949 (9-A-14).

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FEEBLEMINDED; EPILEPTICS; SCHOOLS, COLONIES 252.015

251.042 SUPERINTENDENT TO REPORT; HEARING ON CLAIM

HISTORY. 1947 c 616 s 2; 1949 c 558 s 3.

251.043 FINDINGS; PAYMENT

HISTORY. 1947 c 616 s 3; 1949 c 558 s 4.

Medical staff of state sanatorium is not a "medical board." The director of social welfare should designate by order that the superintendent of the state sanatorium for consumptives, together with such members of the medical staff thereof as he determines, act as a medical board and determine the extent of an employee's injuries. OAG Jan. 16, 1950 (523-G).

251.044 APPLICATION

HISTORY. 1949 c 558 s 5.

251.045 PERSONS NOW RECEIVING BENEFIT

HISTORY. 1947 c 616 s 4; 1949 c 558 s 6.

251.05 Repealed, 1947 c 616 s 5; 1949 c 558 s 7.

251.07 GENERAL HOSPITAL AND SANATORIUM MAY OPERATE IN CONJUNCTION

HISTORY. 1921 c 411 s 13; GS 1923 s 4589; 1925 c 426 art 13 s 1; MS 1927 s 4589.

251.08 AFTER CARE OF TUBERCULAR PATIENTS

A county operating under the town system of poor relief is not liable for "after care" of a tubercular patient after discharge from the state sanatorium. OAG Oct. 10, 1949 (556-A-8).

251.16 "NO SMOKING" AREA IN SANATORIALS

HISTORY. 1951 c 409 s 1.

CHAPTER 252

FEEBLEMINDED; EPILEPTICS; SCHOOLS, COLONIES

252.01 LOCATION AND MANAGEMENT OF SCHOOL FOR FEEBLEMINDED

HISTORY. 1866 c 6 s 4; 1868 c 18 s 1; 1887 c 205 s 1; GS 1878 Vol 2 (1888 Supp) c 35 s 1; GS 1894 s 3437; RL 1905 s 1913; GS 1913 s 4078; GS 1923 s 4489; MS 1927 s 4489.

NOTE: See section 245.04.

252.015 MINNESOTA SCHOOL AND COLONY; CAMBRIDGE STATE SCHOOL AND HOSPITAL

HISTORY. 1949 c 142 s 1.