

CHAPTER 251

CONSUMPTIVES; CARE, IN STATE AND COUNTY SANATORIA,
AFTER DISCHARGE

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251.01 STATE SANATORIUM. The Minnesota State Sanatorium shall be maintained at Ah-Gwah-Ching under the general management of the commissioner of public welfare. The commissioner shall appoint a licensed physician to be superintendent of the sanatorium. He shall have entire charge of the administration thereof, and, subject to the civil service provision, appoint all employees, fix their compensation, pass upon the admission and discharge of patients, supervise their treatment, and keep such books and records as the commissioner may require.

[R L s 1928; 1957 c 287 s 1] (4544)

251.02 PERSONS ADMITTED. Application for admission to the state sanatorium shall be made to the superintendent by or on behalf of any person desiring admission who has or is suspected of having tuberculosis. The commissioner of public welfare shall fix the amounts to be charged for maintenance and treatment. A person unable to pay such charges and without kindred legally liable therefor and able to pay may be admitted on request of his county board, and the charges shall be paid by the county.

In all counties in this state now or hereafter having a population of over 200,000 and maintaining a county tuberculosis sanatorium, the county sanatorium commission shall have the same powers with reference to tuberculous persons as county boards under this section, and the charges for their care shall be paid by the county sanatorium commission out of its funds.

The commissioner of public welfare may transfer to the state sanatorium such persons committed to the state hospitals for the mentally ill and afflicted with chronic mental illness who, in his opinion, can be properly cared for at the sanatorium. Reimbursement to the state for cost of care of such transferred persons shall be computed and paid in the same manner and amount as if they had not been transferred.

[R L s 1929; 1907 c 135 s 1; 1927 c 386; 1943 c 561 s 1; 1945 c 345 s 1; 1957 c 287 s 2] (4545)

251.03 NEEDY PERSONS NOT ELIGIBLE FOR ADMISSION TO COUNTY SANATORIUMS. Subdivision 1. For the purposes of sections 251.01 to 251.16, every person who has resided one year continuously in any county shall have legal settlement herein, and such legal settlement shall not be deemed lost or terminated until a new settlement shall have been acquired in another county of this state or acquired in another state.

Subd. 2. When, after an investigation, the commissioner of public welfare finds that a person is afflicted with tuberculosis and is in need of treatment in a sanatorium and that such person is in necessitous or indigent circumstances and unable to secure admission in any existing county sanatorium by reason of the fact that such person has not resided a sufficient length of time in any one county of the state, then and in such case, the commissioner shall apply for the admission of such person either to the Minnesota State Sanatorium, or to some county sanatorium in the state and the commissioner shall determine the county legally responsible for the cost of such care and treatment on the basis of the longest time

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the patient resided in any one county during the year immediately preceding the date on which it was determined that he was afflicted with tuberculosis and any dispute involving this determination shall be resolved in accordance with the provisions of Minnesota Statutes, Section 376.18. Time spent in a hospital or sanatorium within the state shall not be considered in determining residence.

[1925 c 213 s 1; 1945 c 345 s 3; 1955 c 480 s 1; 1957 c 287 s 3] (4545-1)

251.04 [Repealed, 1947 c 616 s 5; 1949 c 558 s 1]

251.041 EMPLOYEES CONTRACTING TUBERCULOSIS TO RECEIVE MEDICAL CARE AND COMPENSATION. Any sanatorium, medical laboratories or institutional employee of the state or of any county or other subdivision of the state, or any duly licensed nurse employed by the state or by any county, city, village, nursing district or other subdivision of the state, whose duties in connection with such employment bring or have brought him in contact with patients or persons who are afflicted with tuberculosis, or with tuberculosis contaminated material, who contracts tuberculosis, shall be entitled to the medical care and compensation provided by sections 251.041 to 251.045. "Contracts tuberculosis" shall be construed to mean the development of demonstrable lesions of tuberculosis or the demonstration of the germs of tuberculosis in that person's secretions or excretions.

[1947 c 616 s 1; 1949 c 558 s 2; 1957 c 31 s 1]

251.042 REPORT OF ILLNESS OF EMPLOYEE, HEARING ON CLAIM.

Whenever the superintendent of any state, county, city or village sanatorium, medical laboratories or other institution, or the head of any department of the state or of any county, city, village, nursing district or other subdivision of the state employing licensed nurses, learns that any employee of such institution or department whose duties bring him in contact with patients or inmates therein or who works in and around any tuberculosis contaminated material, has contracted tuberculosis while employed in such institution or department, such superintendent or department head shall report such illness to the industrial commission. Copies of such report shall be sent to the commissioner of public welfare if a state institution; to the head of the department if a department of the state; to the county board if a county institution or department; or and to the governing body of the city, village or other subdivision of the state which employs the afflicted person. The industrial commission upon receiving such report, shall mail to the superintendent of such institution or the head of such department blank forms to be filled out by such employee claiming the medical and sanatorium treatment and compensation hereinafter provided for. The industrial commission shall thereupon set the claim on for hearing and determination in the same manner as claims of other public employees under the workmen's compensation law are heard and determined.

[1947 c 616 s 2; 1949 c 558 s 3; 1957 c 31 s 2]

251.043 FINDINGS, PAYMENT OF MEDICAL CARE AND COMPENSATION.

Subdivision 1. If upon the evidence mentioned in the preceding section, the industrial commission finds that such employee is suffering from tuberculosis contracted in the institution or department by contact with inmates or patients therein or by contact with tuberculosis contaminated material therein, it shall order the superintendent of such institution or head of such department to apply for the admission of the employee to the Minnesota State Sanatorium or any county tuberculosis sanatorium. There shall be paid to the institution where such employee may be received, the same fee for the maintenance and care of such person as is received by such institution for the maintenance and care of a non-resident patient. If the employee worked in a state tuberculosis sanatorium or in a county tuberculosis sanatorium, payment for such care shall be made by the department of social security out of funds heretofore or hereafter appropriated for aid to or maintenance of county tuberculosis sanatoria. If employed in any other institution or department such payment shall be made from funds allocated or appropriated for the operation of such institution or department, or in such other manner as the appropriate county board or city or village or other governing body may determine. Such employee shall receive full hospital care and medical care, without cost, for the duration of his illness, or any recurrence thereof or any disability resulting therefrom. The industrial commission shall order payment to such employee of two-thirds of his salary during the period of disability and until the employee is able to resume his previous position or until the medical board of the institution where the employee is or has been hospitalized shall certify that such employee is able to pursue, without injury, some other normal work or occupation. If such

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employee dies leaving dependents, as defined by the workmen's compensation law of the state, there shall be paid to such dependents the sum of \$7,500, if tuberculosis was the authentic cause of death. Such compensation for death shall be paid to such dependents in installments of two-thirds of the employee's wage at intervals when the wage was payable, as nearly as may be. The industrial commission shall certify and supervise the payment of such compensation.

Subd. 2. Whenever it appears that any employee subject to the provisions of sections 251.041 to 251.045 has come into contact with persons who are afflicted with tuberculosis or with tuberculosis contaminated material in connection with his employment and has subsequently contracted tuberculosis it shall be presumed that such employee contracted tuberculosis by such contact and while working within the scope of his employment.

Subd. 3. When an employee has contracted tuberculosis within the meaning of subdivision 1 of this section, the limitations of time specified in section 176.66 and 176.664 shall not apply, and the periods of time specified in section 176.141 shall be computed from the date that a confirmed diagnosis of tuberculosis is first communicated to the employee.

[1947 c 616 s 3; 1949 c 558 s 4; 1957 c 31 s 3-5; 1957 c 287 s 3]

251.044 APPLICATION. Laws 1949, Chapter 558, shall not be construed to apply in the case of employees known to have had tuberculosis as demonstrated by tuberculous lesions of the adult type or by demonstration of the germs of tuberculosis in such employee's secretions or excretions previous to or at the time of employment in said institutions. Laws 1949, Chapter 558, shall apply in the case of employees known to have only an allergic reaction to tuberculin or only evidence of a healed primary infection if they contract tuberculosis while employed in said institutions. Laws 1949, Chapter 558, shall apply to all employees of said institutions who sustain an accidental inoculation of the germs of tuberculosis through the skin and become disabled thereby.

[1949 c 558 s 5]

251.045 PERSONS NOW RECEIVING BENEFIT. All employees of state tuberculosis sanatorium, under the provisions of Laws 1941, Chapter 479, as amended, who are now receiving benefits shall continue to receive such benefits, and in addition thereto, shall, beginning with May 1, 1947, be paid benefits as provided by sections 251.041 to 251.045.

[1947 c 616 s 4; 1949 c 558 s 6]

251.05 [Repealed, 1947 c 616 s 5; 1949 c 558 s 1]

251.051 POLICE OFFICERS CONTRACTING TUBERCULOSIS. Any police officer of the state or of any county or municipal subdivision of the state whose duties within the scope of his employment as a police officer bring him in contact or did bring him in contact with persons afflicted with tuberculosis, which said police officer contracts or becomes ill from tuberculosis, shall be entitled to the medical care and compensation provided for by sections 251.051 to 251.053. "Contracts tuberculosis" shall be construed to mean the development of demonstrable tuberculosis in the police officer.

[1955 c 340 s 1]

251.052 REPORT OF ILLNESS. Whenever the head of any state, county, city, or village police department learns that any police officer employed by such department whose duties bring or did bring him in contact with any person suffering from tuberculosis while said police officer was in discharge of his duties within the scope of his employment, has contracted or become ill from tuberculosis while employed in such department, such head of the police department shall report such illness to the industrial commission. Copies of such report shall be sent to the commissioner of the department of public welfare if a state police officer, to the county board if a county police officer, and to the governing body of the city or village if a municipal or village officer. The industrial commission, upon receiving such report shall mail to the head of the department blank forms to be filled out by such employee claiming the medical and sanatorium treatment and compensation hereinafter provided for. The industrial commission shall thereupon set the claim on for hearing and determination in the same manner as claims of other public employees under the workmen's compensation law are heard and determined.

[1953 c 593 s 2; 1955 c 340 s 2]

251.053 OFFICERS ADMITTED TO SANATORIUM; PAYMENTS. If upon the evidence mentioned in section 251.052, the industrial commission finds that such

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police officer is suffering from tuberculosis contracted by contact with persons suffering from tuberculosis while said police officer was working within the scope of his employment, it shall order the head of the police department in which said police officer is engaged, to apply for the admission of the said police officer to the Minnesota State Sanatorium or some county tuberculosis sanatorium. There shall be paid to the institution where such employee may be received the same fee for the maintenance and care of such persons as is received by such institution for the maintenance and care of a nonresident patient, and such fees shall be paid by the state, county, city or village in whose employment the said police officer was hired and working at the time said police officer contracted the tuberculosis. Such police officer shall receive full hospital care and medical care without cost for the duration of the infection of tuberculosis or any recurrence thereof or any disability resulting therefrom. Further, the industrial commission shall order payment to such police officer by the state, county, city, or village concerned, of the compensation provided for under the general provisions of the workmen's compensation law, including benefits to dependents as defined by the workmen's compensation law, if said police officer dies from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death.

[1955 c 840 s 3; 1957 c 287 s 3]

251.06 HOSPITALS BUILT AND MAINTAINED. Subdivision 1. **Group of counties may build.** In addition to the authority to erect and maintain and assist hospitals conferred upon individual counties by sections 376.01 to 376.06 and 376.09, the boards of county commissioners in any group of counties shall have and are hereby given power to acquire lands, to purchase or erect buildings, and to equip and maintain the same for general hospital purposes.

Subd. 2. **Procedure.** The procedure for the cooperation of a group of counties in building and maintaining such a hospital shall be as stated in subdivisions 3 to 8.

Subd. 3. **Action of county boards.** The preliminary step shall be a majority vote of the county commissioners of each county of the cooperating group of counties in favor of the establishment of such hospital, the place of its location, the approximate amount (hereinafter to be known as the "cost") to be expended for the purchase of a site and erection of buildings and the apportionment of such costs among the several counties of the group.

Subd. 4. **Share of cost raised by tax levy.** If the share of the cost to be paid by any county shall not exceed the sum that may be raised by a tax levy of not to exceed one mill on the dollar of the taxable property of such county, it shall be lawful for the county commissioners of the county to order a tax to pay its share of the cost of such hospital; and the tax shall be levied, extended, and collected in the same manner as other county taxes are levied, extended, and collected, and shall be used for no other purpose than that for which it was authorized and collected.

Subd. 5. **Share of cost raised by bonds.** When such share of the cost to be paid by any county shall exceed the sum indicated in subdivision 4 or when it is necessary to issue bonds of any county to defray its share of the cost of such hospital, or when in any case the county commissioners shall deem it desirable, then the question of (1) whether such hospital shall be established and (when necessary) (2) whether bonds shall be issued to defray such county's proportion of the cost thereof shall be submitted to the voters of such county; and the hospital shall not be established nor bonds issued therefor unless a majority of the voters of such county vote in favor of each question submitted to them. The manner of voting shall be as indicated in the existing statutes governing the establishment of tuberculosis sanatoria in counties or groups of counties. The board of county commissioners of a county is authorized to levy a tax to pay interest and principal of any bonds authorized hereunder by the voters of the county as the same shall become due and payable. The tax shall be levied, extended, and collected in the same manner as other county taxes are levied, extended, and collected and used for no other purpose than that for which it was authorized and collected.

Subd. 6. **County hospital building fund.** The sums collected by taxation or sale of bonds under subdivisions 4 or 5 shall be paid into the county treasuries of the respective counties of the cooperating group of counties and, in each case, kept in a separate fund to be known as the county hospital building fund.

Subd. 7. **County hospital commission.** Upon the preliminary decision under subdivision 3 to establish and maintain a hospital under sections 158.01 to 158.12,

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251.06 and 251.07 there shall be established a commission to be known as the county hospital commission. This commission shall consist of three residents of the county in which the hospital is to be located, chosen by the county commissioners of the county for a term of three years from the first of July next succeeding such choice or until their successors are chosen, one commissioner shall be chosen annually, and of two residents from each other county of the cooperating group of counties, chosen likewise by their respective county commissioners for a term of two years from the first of July next succeeding such choice or until their successors are chosen, one commissioner shall be chosen annually in each county. These commissioners shall serve without compensation but may be reimbursed for actual expenses incurred by them in connection with their official duties.

This commission shall have power to purchase real estate, to erect and equip buildings for hospital purposes; and shall have full charge and control of the operation and management of such county hospital. It may, when deemed necessary, employ a competent superintendent who shall be the executive officer of the hospital and act as secretary of the county hospital commission. One member of the commission shall be elected annually by the commission as its president. The treasurer of the county in which the hospital is located shall be the treasurer of the county hospital commission. He shall pay out of the funds of the hospital commission on properly authenticated vouchers of the hospital commission signed by its president and secretary.

The county hospital commission is empowered to accept as a trust any gift, donation, or endowment from any source, whether subject to special provisions of the donors or not; and such gifts, donations, or endowments shall be placed to the credit of the county hospital fund in the treasury of the county in which the hospital is located and disbursed, as to principal or income as the donors may have indicated, by the county hospital commissioners.

Subd. 8. Funds paid to treasurer of county hospital commission. When the county hospital commission is satisfied that each county in the cooperating group of counties has collected its share of the cost of the hospital it shall so certify to the county commissioners of each county, who shall thereupon order the county treasurer to pay over to the treasurer of the county hospital commission the county hospital building fund in the possession of such county treasurer. The county hospital commission shall thereupon proceed to erect such hospital and to carry it on.

[1921 c. 411 s. 12] (4588)

251.07 GENERAL HOSPITAL AND SANATORIUM MAY OPERATE IN CONJUNCTION. It shall be lawful, with the consent of the commissioner of public welfare, for any county or any group of counties which has or which may hereafter erect a tuberculosis sanatorium in accordance with existing statute, to erect in conjunction therewith or in the neighborhood thereof a general hospital and to conduct the two institutions under a common management and under one commission to be known as the county hospital and sanatorium commission.

[1921 c. 411 s. 13] (4589)

251.08 AFTER-CARE OF TUBERCULOUS PATIENTS. The medical and other supplemental care of tuberculous persons discharged from county or state sanatoria who are in need and whose physical or other conditions or disabilities associated with their disease make inadvisable their return immediately to their former activities of regular employment, is hereby declared to be a special matter of the state's concern and a necessity in promoting the public welfare. To provide medical and other supplemental care to such persons in order to prevent their further breakdown after sanatorium care, a state-wide program of after-care for tuberculous patients discharged from county and state sanatoria is hereby established.

[1941 c. 499 s. 1]

251.09 MEDICAL AND SUPPLEMENTAL CARE. When used in sections 251.08 to 251.14 the term "medical and supplemental care" means the services rendered to such discharged tuberculous patients, as defined in section 251.08. The sum herein appropriated shall be used only for the expenses incurred in travel to and from the sanatoria. This type of medical care shall be determined in accordance with rules and regulations established by the state agency, which shall require an examination at the sanatoria at such times as the superintendent of such sanatoria shall determine. In event a doctor of medicine selected by the patient certifies that prelim-

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inary examination indicates 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.

[1941 c. 499 s. 2]

251.10 DUTIES OF STATE AGENCY. The state agency shall:

(1) Supervise the administration of medical and supplemental care under the provisions of sections 251.08 to 251.14;

(2) Formulate and adopt all necessary rules and regulations for carrying out and enforcing the provisions of sections 251.08 to 251.14 to the end that medical and supplemental care for patients coming within their provisions may be administered uniformly throughout the state;

(3) 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;

(4) Prescribe and maintain a uniform system of fiscal reporting for, and accounting of, all expenditures under sections 251.08 to 251.14;

(5) Prepare and print within a reasonable time after the close of each fiscal year a full and complete report for the year giving an account of the operation of sections 251.08 to 251.14, the expenditure of all funds thereunder, and adequate statistical data relative to the patients benefiting by the provisions thereof, and the nature and type of the treatment given thereunder;

(6) Reimburse to each county agency making expenditures under and pursuant to the provisions of sections 251.08 to 251.14 such sums, quarterly, as the 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.

[1941 c. 499 s. 3]

251.11 RULES. In promulgating rules and regulations covering the granting of medical and supplemental care to patients and in setting minimum standards therefor, the state agency shall have due regard for, and consult with, the superintendents of the county tuberculosis sanatoria and the state tuberculosis sanatorium.

[1941 c. 499 s. 4]

251.12 NEEDS OF PATIENTS DETERMINED BY COUNTY AGENCY. The county agency shall:

(1) 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 sections 251.08 to 251.14 who is a resident of the county concerned for the purposes of these sections;

(2) 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 these sections;

(3) Pay in the first instance such sums for medical and supplemental care as are found necessary under the provisions of these sections, and 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;

(4) Report to the state agency such expenditures for medical and supplemental care as are made by the county agency pursuant to the provisions of these sections and receive reimbursement therefor quarterly from the state agency; and

(5) Prepare and submit such statistical and fiscal reports as the state agency may require hereunder.

[1941 c. 499 s. 5]

251.13 MEDICAL AND SUPPLEMENTAL CARE, TO WHOM GIVEN. Medical and supplemental care under the provisions of sections 251.08 to 251.14 may be granted to a discharged tuberculous patient who:

(1) Has a tuberculous condition within the definitions established by the state agency pursuant to the provisions of these sections; and

(2) Has resided in the state and in the county one year prior to the time of entrance into the tuberculosis sanatorium.

[1941 c. 499 s. 6]

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251.14 FUNDS NOT TRANSFERABLE. No funds granted under sections 251.08 to 251.14 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 section 251.09.

[1941 c 499 s 7]

251.15 HOSPITAL EMPLOYEE CONTRACTING TUBERCULOSIS. Subdivision 1. **Student nurse, medical student, or medical interne contracting tuberculosis to have care at expense of county.** Any student nurse, medical student, or medical interne, who contracts tuberculosis as a result of direct contact with tuberculosis patients during the course of his or her training, or internship in a public tax supported hospital in this state, may be given care and treatment in a public tax supported tuberculosis sanatorium operated and controlled by the sanatorium commission of the district in which such public tax supported hospital is located, and at the expense of the county in which such public hospital is located.

Subd. 2. **Time within which application must be made.** Application for such care and treatment shall be made by such student nurse, medical student, or medical interne at any time during the course of training or internship, and after the termination thereof, application shall be made within 12 months after the termination of said training or internship.

[1947 c 569 s 1, 2]

251.16 "NO SMOKING" AREA IN SANATORIUMS. All sanatoriums used for the care of persons afflicted with tuberculosis shall have certain areas designated, with the approval of the state department of health, wherein all smoking is prohibited. Any patient, who so desires, shall be placed within such area.

[1951 c 409 s 1]