

## CHAPTER 251

## CARE OF TUBERCULOUS PERSONS

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**251.01 STATE SANATORIUM.** The Minnesota State Sanatorium shall be maintained at the Glen Lake Sanatorium 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; 1965 c 45 s 21*] (4544)

**251.011 RELOCATION OF FACILITIES.** Subdivision 1. **Lease of Glen Lake Sanatorium.** At the request of the commissioner of public welfare and with the approval of the governor, the commissioner of administration, on behalf of the state, may lease at a nominal consideration of \$1 per year for a period not less than thirty-five years, the facility situated in Hennepin county known as the Glen Lake Sanatorium and all or part of the land used in connection therewith. The commissioner of administration may, at the request of the director of civil defense, permit the department of civil defense to use and occupy such facilities at the Glen Lake Sanatorium as are reasonably needed for civil defense purposes; provided that such use and occupancy will not obstruct or interfere with the operation of the sanatorium. The commissioner of administration is hereby authorized to negotiate any contract with Hennepin county consistent with the foregoing provision.

**Subd. 2. Discontinuance of Ah-Gwah-Ching as sanatorium; re-establishment at Glen Lake.** Upon execution of such lease the commissioner of public welfare shall discontinue the Minnesota State Sanatorium at Ah-Gwah-Ching as a tuberculosis sanatorium and re-establish the state tuberculosis program at the Glen Lake Sanatorium.

**Subd. 3. Ah-Gwah-Ching Nursing Home.** When tuberculosis treatment is discontinued at Ah-Gwah-Ching that facility may be used by the commissioner of public welfare for the care of geriatric patients, and shall be known as the Ah-Gwah-Ching Nursing Home.

**Subd. 4. Oak Terrace Nursing Home.** Any portion or unit of Glen Lake Sanatorium not used for the treatment of tuberculosis patients may be used by the commissioner of public welfare for the care of geriatric patients, under the name of Oak Terrace Nursing Home.

**Subd. 5. Glen Lake State Sanatorium.** The state tuberculosis facility established at the Glen Lake Sanatorium shall be known as the Glen Lake State Sanatorium, and the statutes presently effective as to Minnesota State Sanatorium shall be effective as to it.

**Subd. 6. Rules and regulations.** The commissioner of public welfare shall have the power to make rules and regulations for the operation of the state nursing homes at Ah-Gwah-Ching and Oak Terrace and for the admission of patients thereto, and to fix the charges to be made for care therein.

Subd. 7. **Status of employees.** Upon execution of the lease referred to herein, the employees of the Glen Lake Sanatorium shall become employees of the state sanatorium or nursing home and blanketed into the classified service of the state, and shall be placed in the proper classifications by the commissioner of civil service with such compensation as such classifications carry. The seniority rights of such employees which exist at the time of transfer shall be retained. Upon assuming state employment each such employee shall be credited with whatever sick leave he still has to his credit as an employee of Glen Lake Sanatorium after application of the severance pay plan of the Hennepin county Sanatorium Commission but not to exceed thirty days.

Subd. 8. **Employees' retirement fund.** The employees of the Glen Lake Sanatorium at the time of transfer may remain under the public employees retirement association and the state shall pay the employer contribution to the public employees retirement association.

[1961 c 618 s 1-8; 1963 c 801 s 1]

**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 sanatorium by reason of the fact that such person has not resided a sufficient length of time in any one county of the state, the commissioner shall admit such person to the Glen Lake State Sanatorium, or apply for admission 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 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.

Subd. 3. If the commissioner of public welfare finds that such person does not have settlement in Minnesota at the time of his application for admission he shall admit such person to the Glen Lake State Sanatorium and the county of commitment shall pay an amount not to exceed 20 percent of the cost of such care. The county in which such person is present at the time of application shall conduct an investigation of his residence and financial circumstances and

shall submit such information to the commissioner of public welfare within one month of the date of application.

[1925 c 213 s 1; 1945 c 345 s 3; 1955 c 480 s 1; 1957 c 287 s 3; 1963 c 703 s 3, 4] (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 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 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 police officer is suffering from tuberculosis contracted by contact with persons suffering from tuberculosis while said police officer was working within the scope of

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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 340 s 3; 1957 c 287 s 3]

251.06 [Repealed, 1965 c 45 s 73]

251.07 [Repealed, 1965 c 45 s 73]

**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 preliminary 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]

**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]

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**251.17 INDIANS, FACILITIES FOR TREATMENT.** The governor and the commissioner of public welfare are authorized to negotiate for and to accept a conveyance from the United States of America of the following described land in Cass county, to-wit:

Beginning at a point 463.7 feet west and 56.0 feet south of the Northeast corner of the Southeast quarter of the Southwest quarter of Section 35, Township 142 North, Range 31 West of the 5th P.M. thence south  $25^{\circ} 30'$  west at no variation, for a distance of 350 feet, thence north  $64^{\circ} 30'$  west for a distance of 350 feet, thence north  $25^{\circ} 30'$  east for a distance of 350 feet, thence south  $64^{\circ} 30'$  east for a distance of 350 feet to point of beginning; containing 2.81 acres, the buildings on which are used in conjunction with the Minnesota State Sanatorium, agreeing as a consideration therefor to maintain the buildings for 20 years, and to provide there or elsewhere adequate treatment facilities for tubercular Indians who are residents of Minnesota, for poor relief purposes.

[1961 c 122 s 1]