

CHAPTER 251

CARE OF TUBERCULOUS PERSONS

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251.01 [Repealed, 1980 c 357 s 22]

251.011 RELOCATION OF FACILITIES.

Subdivision 1. **Lease of Glen Lake Sanitarium.** At the request of the commissioner of human services 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 35 years, the facility situated in Hennepin county known as the Glen Lake Sanitarium and all or part of the land used in connection therewith. The commissioner of administration may, at the request of the director of emergency services, permit the division of emergency management to use and occupy such facilities at the Glen Lake Sanitarium as are reasonably needed for civil defense purposes; provided that such use and occupancy will not obstruct or interfere with the operation of the sanitarium. The commissioner of administration is hereby authorized to negotiate any contract with Hennepin county consistent with the foregoing provision.

Subd. 2. [Repealed, 1980 c 357 s 22]

Subd. 3. **Ah-Gwah-Ching Center.** When tuberculosis treatment is discontinued at Ah-Gwah-Ching that facility shall be used by the commissioner of human services for the care of geriatric patients, and shall be known as the Ah-Gwah-Ching Center. The commissioner shall not decrease the number of nursing home beds nor close the Ah-Gwah-Ching Center without specific approval by the legislature.

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

The commissioner of administration may lease any portion or unit of Oak Terrace Nursing Home for the purpose of providing food and shelter for the homeless.

The facility at Oak Terrace must be closed as soon as a reasonable plan for relocation of its residents can be safely implemented and employee mitigation measures completed, but no later than July 1, 1992. Relocation of persons must be carefully planned and take into account any remaining ties the person has to family or community, available capacity in private and state-operated nursing homes, and personal choices and needs of the resident. Relocation must be implemented according to Minnesota Rules, parts 4655.6810 to 4655.6830 and 9546.0010 to 9546.0060.

Subd. 4a. **Nursing home beds at regional treatment centers.** The commissioner shall operate the following number of nursing home beds at regional treatment centers in addition to current capacity: at Brainerd, 105 beds; at Cambridge, 70 beds; and at Fergus Falls, 85 beds. The commissioner may operate nursing home beds at other regional treatment centers as necessary to provide an appropriate level of care for persons served at those centers. The commissioner shall develop the regional treatment center nursing home beds authorized in the worksheets of the house appropriations and senate finance committees. The commissioner shall finance the purchase or construction of the nursing home beds with the Minnesota housing finance agency. The commis-

sioner shall make payments through the department of administration to the Minnesota housing finance agency in repayment of mortgage loans granted for the purposes of this section.

Subd. 5. [Repealed, 1980 c 357 s 22]

Subd. 6. **Rules.** The commissioner of human services may promulgate rules for the operation of and for the admission of residents in the state nursing homes at Ah-Gwah-Ching and Oak Terrace. Charges for care in the state nursing homes shall be established under sections 246.50 to 246.55. For the purposes of collecting from the federal government for the care of those residents in the state nursing homes eligible for medical care under the Social Security Act, "cost of care" shall be determined as set forth in the rules and regulations of the department of health and human services or its successor agency.

Subd. 7. **Status of employees.** Upon execution of the lease referred to herein, the employees of the Glen Lake Sanitarium shall become employees of the state sanitarium or nursing home and blanketed into the classified service of the state, and shall be placed in the proper classifications by the commissioner of employee relations 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 unused sick leave accrued as an employee of Glen Lake Sanitarium after application of the severance pay plan of the Hennepin county sanitarium commission but not to exceed 30 days.

Subd. 8. **Employees' retirement fund.** The employees of the Glen Lake Sanitarium 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.

History: 1961 c 618 s 1-8; 1963 c 801 s 1; 1973 c 507 s 45; 1974 c 428 s 5; 1980 c 617 s 47; 1983 c 312 art 1 s 21; 1984 c 654 art 5 s 58; 1986 c 420 s 5; 1986 c 444; 1987 c 71 s 2; 1987 c 403 art 2 s 55; 1989 c 282 art 6 s 11,12; 1991 c 292 art 6 s 30,31; 1992 c 513 art 9 s 19

251.012 PROVISION OF NURSING HOME SERVICES.

Subdivision 1. **Nursing home care.** (a) The commissioner shall provide nursing home care to a person requiring and eligible for that level of care when the person:

- (1) is medically fragile or clinically challenging;
- (2) exhibits severe or challenging behaviors; or
- (3) requires treatment for an underlying mental illness.

(b) A person may be accepted for admission only after nursing home preadmission screening by the county.

Subd. 2. **Technical assistance.** Within the limits of appropriations, the commissioner may expand the provision of technical assistance to community providers in handling the behavior problems of their residents, and with community placements for younger persons who have heavy nursing needs and behavior problems. Technical assistance may include site visits, consultation with providers, or provider training.

Subd. 3. **Auxiliary services.** The nursing homes may enter into agreements according to section 246.57 to provide other services needed in the region that build on the services provided by the regional nursing homes and that are offered in conjunction with a community or community group.

Subd. 4. **Respite care.** Respite care may be offered when space is available if payment for the cost of care is guaranteed by the person, the person's family or legal representative, or a source other than a direct state appropriation to the nursing home, and if the individual meets the facility's admission criteria.

History: 1989 c 282 art 6 s 13

251.02 [Repealed, 1980 c 357 s 22]

NOTE: Laws 1969, Chapter 1104, Section 10, relating to the St. Paul Ramsey Hospital and the Ramsey County Sanitarium, reads as follows:

"This act supersedes all laws inconsistent herewith, and particularly Laws 1929, Chapter 371, Sections 1 and 3 as amended and Section 251.02 of Minnesota Statutes."

NOTE: Section 251.02 is not applicable to Ramsey county. See Laws 1974, Chapter 435, Article 7, Section 1.

251.03 [Repealed, 1980 c 357 s 22]

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 sanitarium, 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, nursing district or other subdivision of the state, whose duties in connection with such employment bring or have brought the employee or nurse 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.

History: 1947 c 616 s 1; 1949 c 558 s 2; 1957 c 31 s 1; 1973 c 123 art 5 s 7; 1986 c 444

251.042 REPORT OF ILLNESS OF EMPLOYEE, HEARING ON CLAIM.

Whenever the superintendent of any state, county or city sanitarium, medical laboratories or other institution, or the head of any department of the state or of any county, city, nursing district or other subdivision of the state employing licensed nurses, learns that any employee of such institution or department whose duties bring the employee 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 workers' compensation division. Copies of such report shall be sent to the commissioner of human services 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 or other subdivision of the state which employs the afflicted person. The commissioner of the department of labor and industry 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 sanitarium treatment and compensation hereinafter provided for. The commissioner of the department of labor and industry shall thereupon set the claim on for hearing and determination in the same manner as claims of other public employees under the workers' compensation law are heard and determined.

History: 1947 c 616 s 2; 1949 c 558 s 3; 1957 c 31 s 2; Ex1967 c 1 s 6; 1973 c 123 art 5 s 7; 1973 c 388 s 166; 1975 c 359 s 23; 1984 c 654 art 5 s 58; 1986 c 444

251.043 FINDINGS, PAYMENT OF MEDICAL CARE AND COMPENSATION.

Subdivision 1. If upon the evidence mentioned in the preceding section, the workers' compensation division finds that an 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 employee to seek the services of a physician or medical care facility. There shall be paid to the physician or facility where the employee may be received, the same fee for the maintenance and care of the person as is received by the institution for the maintenance and care of a nonresident patient. If the employee worked in a state hospital or nursing home, payment for the care shall be made by the commissioner of human services. If employed in any other institution or department the payment shall be made from funds allocated or appropriated for the operation of the institution or department. If the employee dies from the effects of the disease of tuberculosis and if the tuberculosis was

the primary infection and the authentic cause of death, the workers' compensation division shall order payment to dependents as provided for under the general provisions of the workers' compensation law.

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 the 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 employment.

Subd. 3. When an employee has contracted tuberculosis within the meaning of subdivision 1, 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.

History: 1947 c 616 s 3; 1949 c 558 s 4; 1957 c 31 s 3-5; 1957 c 287 s 3; Ex1967 c 1 s 6; 1973 c 123 art 5 s 7; 1973 c 388 s 167; 1975 c 359 s 23; 1976 c 2 s 88; 1980 c 357 s 18; 1984 c 654 art 5 s 58; 1986 c 444

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.

History: 1949 c 558 s 5

251.045 PERSONS NOW RECEIVING BENEFIT.

All employees of state tuberculosis sanitariums, 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.

History: 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 employment as a police officer bring or did bring the officer 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.

History: 1955 c 340 s 1; 1986 c 444

251.052 REPORT OF ILLNESS.

Whenever the head of any state, county or city police department learns that any police officer employed by such department whose duties bring or did bring the employee in contact with any person suffering from tuberculosis while said police officer was in discharge of duties within the scope of 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 workers' compensation division. Cop-

ies of such report shall be sent to the commissioner of the department of human services if a state police officer, to the county board if a county police officer, and to the governing body of the city if a municipal officer. The commissioner of the department of labor and industry, 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 sanitarium treatment and compensation hereinafter provided for. The commissioner of the department of labor and industry shall thereupon set the claim on for hearing and determination in the same manner as claims of other public employees under the workers' compensation law are heard and determined.

History: 1953 c 593 s 2; 1955 c 340 s 2; Ex1967 c 1 s 6; 1973 c 123 art 5 s 7; 1973 c 388 s 168; 1975 c 359 s 23; 1984 c 654 art 5 s 58; 1986 c 444

251.053 OFFICERS ADMITTED TO HOSPITAL; PAYMENTS.

If upon the evidence mentioned in section 251.052, the workers' compensation division finds that a police officer is suffering from tuberculosis contracted by contact with persons suffering from tuberculosis while the police officer was working within the scope of the officer's employment, it shall require the police officer to seek the services of a physician or a medical care facility. There shall be paid to the physician or facility where the employee may be received the same fee for the maintenance and care of the employee as is received by the facility for the maintenance and care of a nonresident patient, and the fees shall be paid by the state, county or city in whose employment the police officer was hired and working at the time the police officer contracted the tuberculosis. The 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 workers' compensation division shall order payment to the police officer by the state, county or city concerned, of the compensation provided for under the general provisions of the workers' compensation law, including benefits to dependents as defined by the workers' compensation law, if the 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.

History: 1955 c 340 s 3; 1957 c 287 s 3; Ex1967 c 1 s 6; 1973 c 123 art 5 s 7; 1973 c 388 s 169; 1975 c 359 s 23; 1980 c 357 s 19

251.06 [Repealed, 1965 c 45 s 73]

251.07 [Repealed, 1965 c 45 s 73]

251.08 [Repealed, 1980 c 357 s 22]

251.09 [Repealed, 1980 c 357 s 22]

251.10 [Repealed, 1980 c 357 s 22]

NOTE: See section 144.421

251.11 [Repealed, 1980 c 357 s 22]

251.12 [Repealed, 1980 c 357 s 22]

251.13 [Repealed, 1980 c 357 s 22]

251.14 [Repealed, 1980 c 357 s 22]

251.15 HOSPITAL EMPLOYEE CONTRACTING TUBERCULOSIS.

Subdivision 1. Student nurse, medical student, or physician in training contracting tuberculosis to have care at expense of county. Any student nurse, medical student, or physician in training, who contracts tuberculosis as a result of direct contact with tuberculosis patients during the course of training, or internship in a public tax supported hospital in this state, may be given care and treatment in a public tax supported hospital operated and controlled by the county in which the public tax supported hospital is located, and at the expense of the county in which the 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 intern

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.

History: *1947 c 569 s 1,2; 1980 c 357 s 20; 1986 c 444*

251.16 [Repealed, 1980 c 357 s 22]

251.17 INDIANS, FACILITIES FOR TREATMENT.

The governor and the commissioner of human services 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 degrees 30 minutes west at no variation, for a distance of 350 feet, thence north 64 degrees 30 minutes west for a distance of 350 feet, thence north 25 degrees 30 minutes east for a distance of 350 feet, thence south 64 degrees 30 minutes 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 Sanitarium, 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.

History: *1961 c 122 s 1; 1984 c 654 art 5 s 58*