CHAPTER 376

COUNTY HOSPITALS AND NURSING HOMES

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HOSPITALS

376.009 COUNTY HOSPITAL DEFINED; MAY HAVE MANY BUILDINGS, SITES.

For the purposes of sections 376.01 to 376.06, "county hospital" means any hospital owned or operated by a county which may consist of any number of buildings at one location or any number of buildings at different locations within the county. The county board of any county that has not established a county hospital may by resolution authorize a statutory or home rule charter city in the county and its city council to exercise the powers of a county and the county board under sections 376.01 to 376.07, in which case references in sections 376.01 to 376.07 to "county" and "county board" refer to the city so designated and its governing body, respectively.

History: *1955 c 808 s 1; 1985 c 109 s 10; 2003 c 127 art 12 s 11; 1Sp2003 c 21 art 10 s 11*

376.01 ACQUISITION OF LAND.

A county board may acquire land in the county for hospital purposes for patients, other than for persons who are mentally ill.

History: *(677) 1913 c 392 s 1; 1955 c 808 s 2; 1985 c 109 s 10; 2002 c 221 s 42*

376.02 BUILDINGS.

A county board may purchase or construct suitable buildings for hospital purposes for patients, other than for persons who are mentally ill, on any land acquired under section 376.01, and may improve, equip, and maintain these buildings for hospital purposes. The county board may pay for these buildings out of any fund in the county treasury not otherwise appropriated or issue warrants or bonds of the county for payment. The county board may fix the time and terms of payment of these warrants or bonds and the amount of interest to be paid.

History: *(678) 1913 c 392 s 2; 1955 c 808 s 3; 1985 c 109 s 10; 2002 c 221 s 43*

376.03 MS 2000 [Repealed, 2001 c 214 s 49]

376.04 ELECTION.

The question of purchasing and constructing hospital buildings shall be submitted to the voters of any county at a general election. This election must be called by a resolution of the county board. The resolution must state the time of the election, that a county hospital is proposed to be established, the proposed location, and the cost, including equipment, for not more than the amount stated in the resolution. When the resolutions are passed, the county auditor shall immediately notify each town or city clerk in the county that the question of constructing hospital buildings will be voted upon at the time stated in the resolution, in the manner provided under the state election laws.

The ballot must be in the following form:

"For the purchase and construction of hospital buildings, including equipment, to be located at ..... (state location), at a cost not more than ..... (state amount), pursuant to the resolution of the board of county commissioners passed ..... (state date).

Yes .....

No ....."

To the left of each of the last two words, "yes" and "no," shall be printed an oval or similar target shape so that the voter may indicate by a mark either a negative or affirmative vote. These votes shall be cast in the same manner as votes cast at the general election and counted by the same officers. Returns must be made to the county auditor, and canvassed in the same manner as the returns on county officers.

History: *(680) 1913 c 392 s 4; 1955 c 808 s 5; 1973 c 123 art 5 s 7; 1985 c 109 s 10; 2015 c 70 art 1 s 59*

376.05 HOSPITAL AUTHORIZED, CONSTRUCTION OF BUILDINGS.

If a majority of the electors voting upon the proposition vote in favor of purchasing and constructing the hospital buildings, the county board shall immediately purchase, construct, and equip the buildings.

History: *(681) 1913 c 392 s 5; 1955 c 808 s 6; 1985 c 109 s 10*

376.06 SUPERINTENDENT, HOSPITAL BOARD; DUTIES.

Subdivision 1. **Procedure, powers, pay, election.** A county board which has purchased and constructed buildings for hospital purposes may operate these buildings as a hospital and may appoint a superintendent. The board shall set the superintendent's salary, term of employment, and powers and duties; provide for the management and operation of the hospital; and operate, control, and manage the hospital. The superintendent shall serve at the pleasure of the board. If the board determines that it is in the public interest, it may appoint a hospital board of at least three, but not more than nine members, who may include some or all of the county commissioners except as otherwise provided in subdivision 2. Persons appointed to the hospital board must reside in the hospital's service area and 80 percent of the board members, including any commissioners appointed to serve on the hospital board, must be residents of the county. The hospital board serves without compensation unless the county board authorizes the payment of compensation and reimbursement of expenses for service on the hospital board. Notwithstanding section 375.44, if compensation and reimbursement are authorized, they shall be the same as authorized for service on the local social services agency. Subject to its supervision, the county board may commit the care, management, and operation of the hospital to the hospital board. The county board may provide for the organization and regulation of the hospital board, its duties and the duties of the members, and regulations for the management, operation, and

control of the hospital. The county board may lease the hospital grounds and buildings to a nonprofit or governmental hospital organization for terms it considers advisable.

Subd. 2. **Commissioner on board, exception.** A county commissioner may be appointed by the county board to any hospital board under sections 376.009 to 376.09 except for any hospital board operating a county hospital located in a city of the first class.

History: *(682) 1913 c 392 s 6; 1951 c 326 s 1; 1955 c 808 s 7; 1959 c 291 s 1; 1963 c 308 s 1; 1971 c 24 s 48; 1985 c 109 s 10; 1994 c 631 s 31; 2001 c 214 s 5*

376.07 CHANGES TO COUNTY HOSPITAL BUILDINGS; FINANCING.

(a) The county board, hospital board, or board of directors of a nonprofit or governmental hospital organization that has leased a county hospital may authorize the remodeling, improvement, alteration, or construction of an addition to the county hospital or of another building on the county hospital's existing premises by a majority vote of the board.

(b) Financing for any project under this section is governed by other law, including sections 373.40 and 447.45 and chapter 475.

History: *(682-1) 1927 c 106 s 1; 1985 c 109 s 10; 2001 c 214 s 6*

376.08 COUNTIES OF NOT MORE THAN 50,000; HOSPITALS AND MUNICIPALLY OWNED NURSING HOMES.

Subdivision 1. **County appropriations.** Except as provided in subdivision 2, the board of county commissioners in any county with a population of 50,000 or less may appropriate up to $65,000 annually from the general revenue fund of the county for the acquisition of lands for hospital purposes, and the construction, improvement, alterations, equipment and maintenance of hospitals within the county, including public or nonprofit hospitals that are not county hospitals. The board may also appropriate up to $25,000 from the general revenue fund of the county for the acquisition of land and construction of municipally owned nursing homes within the county.

Subd. 2. **Hospital remodeling or additions; financing.** A county hospital may by majority vote of its board of commissioners, or if the hospital has been leased to another entity under section 376.06, subdivision 1, or 447.47, by majority vote of the board of directors of that entity, enter into projects for the construction of an addition or remodeling to its presently existing facility or the acquisition of equipment as described in this subdivision without complying with the dollar limitation of subdivision 1. This subdivision applies to projects in which the funds for the project are derived from dedicated, restricted, or other designated accounts, from the hospital's depreciation fund, or from the issuance of bonds authorized under other law. An addition to a current hospital under this subdivision may include construction of buildings physically separate from the present hospital building, as well as additions to the present building, if the new buildings are constructed on the hospital's existing premises.

This subdivision does not affect the ability of the hospital board to approve funds for improvements or remodeling of a hospital facility under other law.

Subd. 3. **Limitation on hospital capacity.** Section 144.551 applies to any project authorized by subdivision 2. Subdivision 2 does not authorize an increase in the license capacity of the hospital or the

licensing, relocation, or redistribution of hospital beds except as provided by section 144.551, subdivision 1, paragraph (b).

History: *(684, 685) 1909 c 210 s 1,2; 1915 c 326 s 1,2; 1949 c 419 s 1; 1955 c 275 s 1; 1957 c 453 s 1; 1965 c 72 s 1; 1967 c 372 s 1; 1985 c 109 s 10; 1992 c 380 s 1; 2001 c 214 s 7,8; 2002 c 379 art 1 s 79*

376.09 HOSPITAL AID BY COUNTY WITH LEASED OR NO COUNTY HOSPITAL.

In any county in which there is no county hospital, or a county hospital is leased to a nonprofit or governmental hospital organization pursuant to section 376.06, subdivision 1, or 447.47, the county board may appropriate and pay money from the general fund of the county, for the construction, maintenance, and operation of a private, nonprofit, or public hospital in the county for the treatment of sick, diseased, and injured persons. Admission preference shall always be given to patients who are, in whole or in part, public charges, and are sent to the hospital by the county board.

History: *(683) 1913 c 123 s 1; 1985 c 109 s 10; 1989 c 92 s 1; 2001 c 214 s 9*

376.10 MS 1945 [Repealed, 1949 c 283 s 1]

376.101 MS 1961 [Repealed, 1965 c 45 s 72]

376.102 MS 1961 [Repealed, 1965 c 45 s 72]

376.103 MS 1961 [Repealed, 1965 c 45 s 72]

376.104 MS 1961 [Repealed, 1965 c 45 s 72]

376.105 MS 1961 [Repealed, 1965 c 45 s 72]

376.106 MS 1961 [Repealed, 1965 c 45 s 72]

376.107 MS 1961 [Repealed, 1965 c 45 s 72]

376.108 MS 1961 [Repealed, 1965 c 45 s 72]

376.109 MS 1961 [Repealed, 1965 c 45 s 72]

376.11 MS 1945 [Repealed, 1949 c 283 s 1]

376.111 MS 1961 [Repealed, 1965 c 45 s 72]

376.12 MS 1945 [Repealed, 1949 c 283 s 1]

376.13 MS 1945 [Repealed, 1949 c 283 s 1]

376.14 MS 1945 [Repealed, 1949 c 283 s 1]

376.15 MS 1945 [Repealed, 1949 c 283 s 1]

376.16 MS 1945 [Repealed, 1949 c 283 s 1]

376.17 MS 1945 [Repealed, 1949 c 283 s 1]

376.18 MS 1978 [Repealed, 1980 c 357 s 22]

376.19 MS 1978 [Repealed, 1980 c 357 s 22]

376.20 MS 1978 [Repealed, 1980 c 357 s 22]

376.21 MS 1978 [Repealed, 1980 c 357 s 22]

376.22 MS 1978 [Repealed, 1980 c 357 s 22]

376.23 MS 1953 [Repealed, 1957 c 79 s 2]

376.231 MS 1978 [Repealed, 1980 c 357 s 22]

376.24 MS 1978 [Repealed, 1980 c 357 s 22]

376.25 MS 1978 [Repealed, 1980 c 357 s 22]

376.26 MS 1978 [Repealed, 1980 c 357 s 22]

376.27 [Renumbered 376.523]

376.28 MS 1978 [Repealed, 1980 c 357 s 22]

376.29 MS 1978 [Repealed, 1980 c 357 s 22]

376.30 MS 1978 [Repealed, 1980 c 357 s 22]

376.31 MS 1978 [Repealed, 1980 c 357 s 22]

376.32 MS 1978 [Repealed, 1980 c 357 s 22]

376.33 MS 1978 [Repealed, 1980 c 357 s 22]

376.34 MS 1978 [Repealed, 1980 c 357 s 22]

376.35 MS 1978 [Repealed, 1980 c 357 s 22]

376.37 MS 1978 [Repealed, 1980 c 357 s 22]

376.38 MS 1978 [Repealed, 1980 c 357 s 22]

376.39 MS 1978 [Repealed, 1980 c 357 s 22]

376.40 MS 1978 [Repealed, 1980 c 357 s 22]

376.41 MS 1978 [Repealed, 1980 c 357 s 22]

376.42 MS 1978 [Repealed, 1980 c 357 s 22]

376.423 MS 1978 [Repealed, 1980 c 357 s 22]

376.424 MS 1978 [Repealed, 1980 c 357 s 22]

376.43 MS 1953 [Repealed, 1961 c 132 s 1]

376.44 MS 1949 [Renumbered 376.44, subdivision 1]

376.44 MS 1978 [Repealed, 1980 c 357 s 22]

376.45 [Renumbered 376.44, subd 2]

376.46 [Renumbered 376.44, subd 3]

376.47 [Renumbered 376.44, subd 4]

376.48 [Renumbered 376.44, subd 5]

376.49 MS 1978 [Repealed, 1980 c 357 s 22]

376.50 MS 1978 [Repealed, 1980 c 357 s 22]

376.51 MS 1971 [Repealed, 1974 c 435 art 6 s 1]

376.52 MS 1978 [Repealed, 1980 c 357 s 22]

376.523 MS 1978 [Repealed, 1980 c 357 s 22]

376.53 [Renumbered 375.197]

376.54 MS 1978 [Repealed, 1980 c 357 s 22]

NURSING HOMES

376.55 COUNTY NURSING HOME.

Subdivision 1. **Authority.** (a) Any county, or any group of counties acting jointly may establish a county nursing home, in sections 376.55 to 376.60 also termed "nursing home," for the care and treatment of chronically ill or convalescent persons or persons who need nursing home care because old age or infirmity makes them unable to properly care for themselves, with the consent of a majority of the county board.

(b) Any county, or group of counties, which owns a nursing home, may establish and operate an attached or related facility for the purpose of providing supportive services to elderly persons who are not yet in need of nursing home care. Supportive services may include congregate housing, adult day care, and respite care services.

Subd. 2. **Establishment.** A county, or a group of counties acting jointly, may establish a nursing home and a facility for supportive services under sections 376.55 to 376.60, by converting suitable existing county owned buildings, by leasing suitable premises, or by acquiring a suitable site by gift, purchase, or condemnation proceedings instituted in the name of the county or counties and constructing suitable buildings which are equipped, maintained, enlarged or otherwise modified to be the same as a nursing home.

Subd. 3. **Financing.** The county board may transfer surplus funds from any fund except the road and bridge, sinking or drainage ditch funds for the purpose of establishing, acquiring, maintaining, enlarging, or adding to a county nursing home. When surplus funds are not available for transfer, a county board may issue bonds to pay the cost of establishing, acquiring, equipping, furnishing, enlarging, or adding to a county nursing home, subject to section 376.56.

Subd. 4. **Purchase of interest in existing home.** A county, or a group of counties, not maintaining a nursing home, may purchase an interest in an existing county nursing home if the county board or boards owning the nursing home decide by majority vote of each county board to admit the county. The county board or boards owning the home shall set the cost for admission to ownership, taking into consideration their investment in the home. Any county admitted under this provision shall have all the rights and privileges provided for in sections 376.55 to 376.60.

Subd. 5. **County defined.** Where in sections 376.55 to 376.57 and 376.58 to 376.60 the word "county" is used, it refers to a county acting singly, or as one of a group of counties acting jointly, unless the context clearly indicates otherwise.

Subd. 6. **Withdrawal of interest.** Any county board may withdraw its interest in a county nursing home if the county board or boards owning the nursing home decide by majority vote of each county board to allow the withdrawal. The county board or boards owning the home shall set the amount to be paid to the withdrawing county, taking into consideration their investment in the home.

Subd. 7. **City powers.** The county board of any county that has not established a nursing home may by resolution authorize a statutory or home rule charter city within the county to exercise the powers of a county under sections 376.55 to 376.60. A city so designated may exercise within its boundaries all the powers of a county under sections 376.55 to 376.60.

History: *1951 c 610 s 1; 1953 c 248 s 1; 1955 c 610 s 1; 1957 c 865 s 1,2; 1959 c 16 s 1,2; 1959 c 146 s 1; 1984 c 528 s 1; 1985 c 109 s 10; 2003 c 127 art 12 s 12,13; 1Sp2003 c 21 art 10 s 11*

376.56 TAX LEVIES AND BONDS.

Subdivision 1. **Levy purposes.** The county board establishing or participating in establishing a nursing home under section 376.55 may annually levy a tax to pay all or its proportion of the net costs of maintenance and operation of the nursing home after taking into consideration payments received for care of residents. The board may levy an additional tax to repay the cost of acquiring, establishing, equipping, furnishing, enlarging, or adding to a county nursing home, and to pay the principal of and interest on general obligation bonds issued for that purpose.

Subd. 2. **County nursing home fund.** The proceeds of taxes for costs of maintenance and operation shall be paid into a county nursing home fund, which, in the case of counties operating jointly, shall be kept in the treasury of the county in which the nursing home is located and spent as provided in sections 376.55 to 376.60.

Subd. 3. **Chapter 475 bonds.** Bonds issued under section 376.55, subdivision 3, may be general obligations of the county and may be issued and sold, and taxes levied for their payment as provided under chapter 475. No election shall be required to authorize the bond issue for acquiring, improving, remodeling, or replacing an existing nursing home without increasing the total number of accommodations for residents in all nursing homes in the county. The revenues of the nursing home shall also be pledged for the payment of the bonds and for any interest and premium. Part of the proceeds may be deposited in the debt service fund for the issue, to capitalize interest and create a reserve to reduce or eliminate the tax otherwise required by section 475.61 to be levied before issuing the bonds. The remaining proceeds from the sale of the bonds and any surplus funds transferred under section 376.55, subdivision 3 must be credited to and deposited in the county nursing home building fund of the county in which the nursing home is located.

Subd. 4. **County treasurer's duties.** The county treasurer of the county in which the nursing home is located shall make payments out of the county nursing home fund and county nursing home building fund on properly authenticated vouchers of the county nursing home administrative board, as provided in sections 376.58 and 376.59. The county treasurer of each county issuing general obligation bonds under subdivision 3 shall pay the bonds and interest from the county's debt service fund and be the custodian of net revenues transmitted by the administrative board for the payment of the bonds.

History: *1951 c 610 s 2; 1959 c 146 s 2; 1984 c 528 s 2; 1985 c 109 s 10; 1987 c 384 art 2 s 1; 2003 c 127 art 12 s 14; 1Sp2003 c 21 art 10 s 11*

376.57 JOINTLY OWNED AND OPERATED NURSING FACILITIES; ESTABLISHMENT.

In establishing a jointly owned and operated county nursing home or facility for supportive services, each of the cooperating counties shall determine by a majority vote of the county board that it is in favor of the establishment of the home or of the facility, the place of its location, and the approximate amount to be spent for the establishment of the proposed nursing home or facility. Each county shall authorize the payment by that county of its proportionate share of the cost of the establishment. The proportion of costs of the establishment, and of costs of maintenance and operation of the nursing home or facility to be paid by each county shall be set by terms agreed upon by each of the participating counties.

History: *1951 c 610 s 3; 1957 c 865 s 3; 1984 c 528 s 3; 1985 c 109 s 10*

376.573 MS 1982 [Repealed, 1984 c 528 s 8]

376.58 SUPERVISION.

Subdivision 1. **Nursing home board.** The county board of any county establishing a county nursing home and facility for supportive services may designate any board under the jurisdiction and control of the county board to supervise the nursing home and facility, and that board shall constitute the nursing home's administrative board for that county.

Subd. 2. **Joint board; board pay, expenses.** Whenever two or more counties, through their county boards, have agreed to maintain a county nursing home and facility for supportive services under section 376.55, the county commissioners of each county shall designate a board from each of the cooperating counties as the county nursing home administrative board. Immediately after their designation as the county nursing home administrative board, the boards of the cooperating counties shall hold a joint meeting and elect a chair, vice-chair and secretary who shall be the executive committee. Each county shall have at least one representative on the executive committee, and where more than three counties participate in establishing a nursing home, the executive committee shall be expanded by one member for each additional county above three so that no county will have less than one member on the executive committee. The first joint meeting of the county boards that have been designated as the county nursing home administrative board shall be called by the chair of the county board of the county in which the county commissioners have agreed to locate the proposed home and facility. The board shall meet annually, and at other times considered necessary. Members of the county nursing home administrative board, and its executive committee, other than members of the county board, shall be paid for each day spent in transacting the business of the board or the committee. Each member, including members of the county board, may be reimbursed for necessary expenses incurred by them in connection with their official duties. Compensation and reimbursement for expenses shall be paid from the county nursing home fund in a manner and amounts agreed upon by the county boards. This subdivision does not prohibit the payment of a per diem to county commissioners under section 375.055, subdivision 1.

Subd. 3. **Nursing home administrative board; powers, duties.** The county nursing home administrative board may establish, operate and maintain a county nursing home and facility for supportive services under sections 376.55 to 376.60. The county nursing home administrative board may delegate to the executive committee defined in subdivision 2 the authority to supervise the establishment, management and operation of the county nursing home and facility for supportive services, including the approval of expenditures and other business necessary for the efficient operation of the home within the general policies established by the county nursing home administrative board. The county nursing home administrative board may authorize payment of incidental expenses of the nursing home under section 375.16.

Subd. 4. **Expenditures, approval.** The county nursing home administrative board, or its executive committee, if delegated to do so, shall approve by a majority vote all expenditure vouchers, and the chair of the board or committee shall then transmit them to the county auditor of the county in which the home and facility are located for payment.

Subd. 5. **Estimates of cost.** Preparation of estimates of costs for the operation of the nursing home and the facility for supportive services shall be submitted as required by the administrative board of the nursing home or as called for by the county board. The fiscal year for the nursing home, and the facility for supportive services if it is appropriate, may be the reporting year designated by the commissioner of human services.

Subd. 6. **Acceptance of gifts.** The county's nursing home administrative board may accept as a trust any gift, donation, or endowment from any source, whether subject to special provisions of the donor or not. The gifts, donations, or endowments shall be credited to the county nursing home fund in the treasury of the county in which the home and facility are located and the county nursing home administrative board shall disburse the principal or income as the donors may have indicated.

Subd. 7. **Resident funds; unclaimed money.** The administrator of a county nursing home shall have the care and custody of all money belonging to residents as allowed by law and shall keep accurate accounting records of all transactions concerning the money as required by the commissioner of health and the commissioner of human services.

History: *1951 c 610 s 4; 1959 c 159 s 1; 1965 c 351 s 1; 1975 c 301 s 12; 1984 c 528 s 4; 1984 c 654 art 5 s 58; 1985 c 109 s 10; 1986 c 444*

376.59 COUNTY BUILDING FUNDS.

When the county nursing home administrative board is satisfied that each county in a cooperating group of counties has available its share of the cost of establishing the nursing home and facility for supportive services, it shall certify this information to the county board of each cooperating county. The county board shall order the county treasurer of that county to pay the treasurer of the county in which the nursing home is to be located the county nursing home building funds in the possession of the county treasurer. The county nursing home administrative board shall then carry out the purposes of sections 376.55 to 376.60.

History: *1951 c 610 s 5; 1984 c 528 s 5; 1985 c 109 s 10*

376.60 ADMINISTRATIVE BOARD OR EXECUTIVE COMMITTEE; POWERS.

The county nursing home administrative board or its executive committee may:

(1) hire an administrator and all necessary employees for the management and control of the nursing home and to prescribe their compensation and duties;

(2) arrange for physicians' services and other medical care for the residents in the home;

(3) purchase equipment, supplies and services necessary in the care and maintenance of the nursing home and the residents;

(4) exercise the county powers authorized under section 376.55, subdivision 2;

(5) institute condemnation proceedings in the name of the county or counties involved, conducted in the manner provided under chapter 117, in the case of other condemnation proceedings by counties; and

(6) perform all other acts necessary to carry out the provisions of sections 376.55 to 376.60, except those with which the county board or boards are specifically charged, unless otherwise provided by law.

History: *1951 c 610 s 6; 1984 c 528 s 6; 1985 c 109 s 10*

376.61 MS 1982 [Repealed, 1984 c 528 s 8]

376.62 MS 1982 [Repealed, 1984 c 528 s 8]

376.63 MS 1982 [Repealed, 1984 c 528 s 8]

376.64 MS 1982 [Repealed, 1984 c 528 s 8]

376.65 MS 1982 [Repealed, 1984 c 528 s 8]

376.66 MS 1982 [Repealed, 1984 c 528 s 8]