

Health

CHAPTER 144

DEPARTMENT OF HEALTH

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## STATE COMMISSIONER OF HEALTH

**144.01** [ Repealed, 1977 c 305 s 46 ]

**144.011 DEPARTMENT OF HEALTH. Subdivision 1. Commissioner.** The department of health shall be under the control and supervision of the commissioner of health who shall be appointed by the governor under the provisions of section 15.06. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health. The commissioner shall be selected without regard to political affiliation but with regard to ability and experience in matters of public health.

**Subd. 2. State health advisory council.** The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.

[ 1977 c 305 s 39 ]

**144.02** [ Repealed, 1977 c 305 s 46 ]

**144.03** [ Repealed, 1977 c 305 s 46 ]

**144.04** [ Repealed, 1977 c 305 s 46 ]

**144.05 GENERAL DUTIES OF COMMISSIONER; REPORTS.** The state commissioner of health shall have general authority as the state's official health agency and shall be responsible for the development and maintenance of an organized system of programs and services for protecting, maintaining, and improving the health of the citizens. This authority shall include but not be limited to the following:

(a) Conduct studies and investigations, collect and analyze health and vital data, and identify and describe health problems;

(b) Plan, facilitate, coordinate, provide, and support the organization of services for the prevention and control of illness and disease and the limitation of disabilities resulting therefrom;

(c) Establish and enforce health standards for the protection and the promotion of the public's health such as quality of health services, reporting of disease, regulation of health facilities, environmental health hazards and manpower;

(d) Affect the quality of public health and general health care services by providing consultation and technical training for health professionals and paraprofessionals;

(e) Promote personal health by conducting general health education programs and disseminating health information;

(f) Coordinate and integrate local, state and federal programs and services affecting the public's health;

(g) Continually assess and evaluate the effectiveness and efficiency of health service systems and public health programming efforts in the state; and

(h) Advise the governor and legislature on matters relating to the public's health.

[ *RL s 2130; 1973 c 356 s 2; 1977 c 305 s 45* ] (5339)

**144.051 DATA RELATING TO LICENSED AND REGISTERED PERSONS.**

Subdivision 1. **Purpose.** The legislature finds that accurate information pertaining to the numbers, distribution and characteristics of health-related manpower is required in order that there exist an adequate information resource at the state level for purposes of making decisions pertaining to health manpower.

Subd. 2. **Information system.** The commissioner of health shall establish a system for the collection, analysis and reporting of data on individuals licensed or registered by the commissioner or the health-related licensing boards as defined in section 214.01, subdivision 2. Individuals licensed or registered by the commissioner or the health-related licensing boards shall provide information to the commissioner of health that he may, pursuant to section 144.052, require. The commissioner shall publish at least biennially, a report which indicates the type of information available and methods for requesting the information.

[ *1978 c 759 s 1* ]

**144.052 USE OF DATA.** Subdivision 1. **Rules.** The commissioner, after consultation with the health-related licensing boards as defined in section 214.01, subdivision 2, shall promulgate rules in accordance with chapter 15 regarding the types of information collected and the forms used for collection. The types of information collected shall include licensure or registration status, name, address, birth date, sex, professional activity status, and educational background or similar information needed in order to make decisions pertaining to health manpower.

Subd. 2. **Coordination with licensure renewal.** In order that the collection of the information specified in this section not impose an unnecessary burden on the licensed or registered individual or require additional administrative cost to the state, the commissioner of health shall, whenever possible, collect the information at the time of the individual's licensure or registration renewal. The health-related licensing boards shall include the request for the information that the commissioner may require pursuant to subdivision 1 with the licensure renewal application materials, provided, however, that the collection of health manpower data by the commissioner shall not cause the licensing boards to incur additional costs or delays with regard to the license renewal process.

[ *1978 c 759 s 2* ]

**144.053 RESEARCH STUDIES CONFIDENTIAL.** Subdivision 1. All information, records of interviews, written reports, statements, notes, memoranda, or other data procured by the state commissioner of health, in connection with studies conducted by the state commissioner of health, or carried on by the said commissioner jointly with other persons, agencies or organizations, or procured by such other persons, agencies or organizations, for the purpose of reducing the morbidity or mortality from any cause or condition of health shall be confidential and shall be used solely for the purposes of medical or scientific research.

Subd. 2. Such information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person. Such information, records, reports, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any representative of the state commissioner of health, nor by any other person, except as may be necessary for the purpose of furthering the research project to which they relate. No person participating in such research project shall disclose, in any manner, the information so obtained except in strict conformity with such research project. No employee of said commissioner shall interview any patient named in any such report, nor a relative of any such patient, unless the consent of the attending physician and surgeon is first obtained.

Subd. 3. The furnishing of such information to the state commissioner of health or his authorized representative, or to any other cooperating agency in such research

project, shall not subject any person, hospital, sanitarium, nursing home or other person or agency furnishing such information, to any action for damages or other relief.

Subd. 4. Any disclosure other than is provided for in this section, is hereby declared to be a misdemeanor and punishable as such.

[ 1955 c 769 s 1-4; 1976 c 173 s 31; 1977 c 305 s 45 ]

**144.055 HOME SAFETY PROGRAMS.** Subdivision 1. The state commissioner of health is authorized to develop and conduct by exhibit, demonstration and by health education or public health engineering activity, or by any other means or methods which the commissioner may determine to be suitable and practicable for the purpose, a program in home safety designed to prevent accidents and fatalities resulting therefrom. The commissioner shall cooperate with local and county boards of health, the Minnesota Safety Council, and other interested voluntary groups in its conduct of such programs.

Subd. 2. For the purpose of assisting local and county boards of health to develop community home safety programs and to conduct such surveys of safety hazards in municipalities and counties, the commissioner may loan or furnish exhibit, demonstration, and educational materials, and may assign personnel for a limited period to such local and county boards of health.

[ 1957 c 290 s 1; 1977 c 305 s 45 ]

**144.06 STATE COMMISSIONER OF HEALTH TO PROVIDE INSTRUCTION.**

The state commissioner of health, hereinafter referred to as the commissioner, is hereby authorized to provide instruction and advice to expectant mothers during pregnancy and confinement and to mothers and their infants after childbirth; and to employ such persons as may be necessary to carry out the requirements of sections 144.06 and 144.07. Such instruction, advice, and care shall be given only to applicants residing within the state. No woman receiving aid under sections 144.06, 144.07, and 144.09 shall for this reason be affected thereby in any civil or political rights, nor shall her identity be disclosed except upon written order of the commissioner.

[ 1921 c 392 s 1-3; 1977 c 305 s 45 ] (5340, 5341, 5342)

**144.065 VENEREAL DISEASE TREATMENT CENTERS.** The state commissioner of health shall assist local health agencies and organizations throughout the state with the development and maintenance of services for the detection and treatment of venereal diseases. These services shall provide for diagnosis, treatment, case finding, investigation, and the dissemination of appropriate educational information. The state commissioner of health shall promulgate regulations relative to the composition of such services and shall establish a method of providing funds to local health agencies and organizations which offer such services. The state commissioner of health shall provide technical assistance to such agencies and organizations in accordance with the needs of the local area.

[ 1974 c 575 s 6; 1977 c 305 s 45 ]

**144.07 POWERS OF COMMISSIONER.** The commissioner may:

(1) Make all reasonable rules and regulations necessary to carry into effect the provisions of sections 144.06, 144.07, and 144.09, and may amend, alter, or repeal such rules or regulations;

(2) Accept private gifts for the purpose of carrying out the provisions of those sections;

(3) Cooperate with agencies, whether city, state, federal, or private, which carry on work for maternal and infant hygiene; and

(4) Make investigations and recommendations for the purpose of improving maternity care.

The commissioner shall include in his report to the legislature a statement of the operation of those sections.

[ 1921 c 392 s 4; 1977 c 305 s 45 ] (5343)

**144.071 MERIT SYSTEM FOR LOCAL EMPLOYEES.** The commissioner may establish a merit system for employees of county or municipal health departments or public health nursing services or health districts, and may promulgate rules and regulations governing the administration and operation thereof. In the establishment and

administration of the merit system authorized by this section, the commissioner may utilize facilities and personnel of any state department or agency with the consent of such department or agency. The commissioner may also, by rule or regulation, cooperate with the federal government in any manner necessary to qualify for federal aid.

[ 1969 c 1073 s 1; 1977 c 305 s 45 ]

**144.072 IMPLEMENTATION OF SOCIAL SECURITY AMENDMENTS OF 1972.** The state commissioner of health shall implement by rule, pursuant to the administrative procedures act, those provisions of the social security amendments of 1972 (P. L. 92-603) required of state health agencies, including rules which:

(a) establish a plan, consistent with regulations prescribed by the secretary of health, education, and welfare, for the review by appropriate professional health personnel, of the appropriateness and quality of care and services furnished to recipients of medical assistance; and

(b) provide for the determination as to whether institutions and agencies meet the requirements for participation in the medical assistance program, and the certification that those requirements, including utilization review, are being met.

[ 1973 c 717 s 1; 1977 c 305 s 45 ]

**144.073 USE OF DUPLICATING EQUIPMENT.** The state commissioner of health is authorized to maintain and operate mimeograph or similar type of stencil duplicating equipment in the Minneapolis office to expedite the issuance of communicable disease bulletins and public health information circulars to health officers and other public health workers.

[ 1957 c 274 s 1; 1977 c 305 s 45 ]

**144.074 FUNDS RECEIVED FROM OTHER SOURCES.** The state commissioner of health may receive and accept money, property, or services from any person, agency, or other source for any public health purpose within the scope of his statutory authority. All money so received is annually appropriated for those purposes in the manner and subject to the provisions of law applicable to appropriations of state funds.

[ 1975 c 310 s 9; 1977 c 305 s 45 ]

**144.0741 CONTRACTS FOR PROVISION OF PUBLIC HEALTH SERVICES.** The commissioner of health is authorized to enter into contractual agreements with any public or private entity for the provision of statutorily prescribed public health services by the department. The contracts shall specify the services to be provided and the amount and method of reimbursement therefor. Funds generated in a contractual agreement made pursuant to this section are appropriated to the department for purposes of providing the services specified in the contracts. All such contractual agreements shall be approved by the commissioner of finance.

All non-residential chemical dependency services to the Range Area Human Resources Board, Inc., funded by state grant-in-aid moneys, shall continue after June 30, 1978, to be provided on a contractual basis to the Arrowhead Center on Problem Drinking.

[ 1978 c 762 s 1 ]

NOTE: Section 144.0741 expires July 1, 1980. See Laws 1978, Chapter 762, Section 10.

**144.075 CUP VENDING AND OTHER MACHINES; INSPECTION.** The state commissioner of health shall provide for the inspection of cup vending machines, and similar dispensing devices where food or beverages are dispensed for sale to the public. The purpose of such inspection shall be protection of the public health, and the elimination of hazards to health resulting from dispensing devices that are operated in an unsanitary manner or designed so that the public health may be injured. Such inspection shall be made at such times and under circumstances as the commissioner of health may determine.

[ 1953 c 674 s 1; 1977 c 305 s 45 ]

**144.076 MOBILE HEALTH CLINIC.** The state commissioner of health may establish, equip, and staff with his own members or volunteers from the healing arts, or may contract with a public or private nonprofit agency or organization to establish,

equip, and staff a mobile unit, or units to travel in and around poverty stricken areas and Indian reservations of the state on a prescribed course and schedule for diagnostic and general health counseling, including counseling on and distribution of dietary information, to persons residing in such areas. For this purpose the state commissioner of health may purchase and equip suitable motor vehicles, and furnish a driver and such other personnel as the department deems necessary to effectively carry out the purposes for which these mobile units were established or may contract with a public or private nonprofit agency or organization to provide the service.

[ 1971 c 940 s 1; 1975 c 310 s 3; 1977 c 305 s 45 ]

**144.08 POWERS AND DUTIES OF HOTEL INSPECTORS AND AGENTS; INSPECTIONS AND REPORTS.** The department of health shall have and exercise all of the authority and perform all the duties imposed upon and vested in the state hotel inspector. With the advice and consent of the department of administration, the department of health shall appoint and fix the compensation of a hotel inspector and such other inspectors and agents as may be required for the efficient conduct of the duties hereby imposed. These inspectors, by order of the department of administration, may be required to inspect any or all food products subject to inspection by the department of agriculture and to investigate and report to such department violations of the pure food laws and the regulations of the department of agriculture pertaining thereto. The reports of these inspectors to the department of agriculture shall have the force and effect of reports made or required to be made by the inspectors of such department.

[ 1925 c 426 art 9 s 2; 1961 c 113 s 1 ] (53-34)

**144.09 COOPERATION WITH FEDERAL AUTHORITIES.** The state of Minnesota, through its legislative authority:

(1) Accepts the provisions of any act of congress providing for cooperation between the government of the United States and the several states in public protection of maternity and infancy;

(2) Empowers and directs the commissioner to cooperate with the federal children's bureau to carry out the purposes of such acts; and

(3) Appoints the state treasurer as custodian of all moneys given to the state by the United States under the authority of such acts and such money shall be paid out in the manner provided by such acts for the purposes therein specified.

[ 1921 c 392 s 5; 1977 c 305 s 45 ] (5344)

**144.10 FEDERAL AID FOR MATERNAL AND CHILD WELFARE SERVICES; CUSTODIAN OF FUND; PLAN OF OPERATION; LOCAL APPROPRIATIONS.** The state treasurer is hereby appointed as the custodian of all moneys received, or which may hereafter be received, by the state by reason of any federal aid granted for maternal and child welfare service and for public health services, including the purposes as declared in Public Law 725 enacted by the 79th Congress of the United States, Chapter 958-2d Session and all amendments thereto, which moneys shall be expended in accordance with the purposes expressed in the acts of congress granting such aid and solely in accordance with plans to be prepared by the state commissioner. The plans so to be prepared by the commissioner for maternal and child health service shall be approved by the United States children's bureau; and the plans of the commissioner for public health service shall be approved by the United States public health service. Such plans shall include the training of personnel for both state and local health work and conform with all the requirements governing federal aid for these purposes. Such plans shall be designed to secure for the state the maximum amount of federal aid which is possible to be secured on the basis of the available state, county, and local appropriations for such purposes. The commissioner shall make reports, which shall be in such form and contain such information as may be required by the United States children's bureau or the United States public health service, as the case may be; and comply with all the provisions, rules, and regulations which may be prescribed by these federal authorities in order to secure the correction and verification of such reports.

[ Ex1936 c 70 s 1; 1947 c 485 s 1; 1977 c 305 s 45 ] (5391-1)

**144.11 RULES AND REGULATIONS.** The commissioner may make such reasonable rules and regulations as may be necessary to carry into effect the provisions

of section 144.10 and alter, amend, suspend, or repeal any of such rules and regulations.

[ *Ex1936 c 70 s 2; 1977 c 305 s 45* ] (5391-2)

**144.12 REGULATION, ENFORCEMENT, LICENSES, FEES.** Subdivision 1. The commissioner may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof, such regulations shall have the force of law, except insofar as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. The commissioner may control, by adoption of regulations, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

(1) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;

(2) The business of scavenging and the disposal of sewage;

(3) The location of mortuaries and cemeteries and the removal and burial of the dead;

(4) The management of lying-in houses and boarding places for infants and the treatment of infants therein;

(5) The pollution of streams and other waters and the distribution of water by persons for drinking or domestic use;

(6) The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;

(7) The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom;

Provided, that neither the commissioner nor any local board of health nor director of public health shall have authority to make or adopt any rule or regulation for the treatment in any penal or correctional institution of any person suffering from any such communicable disease or venereal disease or infection, which rule or regulation requires the involuntary detention therein of any person after the expiration of his period of sentence to such penal or correctional institution, or after the expiration of the period to which the sentence may be reduced by good time allowance or by the lawful order of any judge or magistrate, or of any parole board;

(8) The prevention of infant blindness and infection of the eyes of the newly born by the designation, from time to time, of one or more prophylactics to be used in such cases and in such manner as the commissioner may direct, unless specifically objected to by the parents or a parent of such infant;

(9) The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated, but no rule of the board or of any public board or officer shall at any time compel the vaccination of a child, or exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated; any person thus required to be vaccinated may select for that purpose any licensed physician and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous;

(10) The accumulation of filthy and unwholesome matter to the injury of the public health and the removal thereof;

(11) The collection, recording, and reporting of vital statistics by public officers and the furnishing of information to such officers by physicians, undertakers, and others of births, deaths, causes of death, and other pertinent facts;

(12) The construction, equipment, and maintenance in respect to sanitary conditions of lumber camps, migratory or migrant labor camps, and other industrial camps;

(13) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of

health shall make such investigations and reports and obey such directions as the commissioner may require or give and, under the supervision of the commissioner, enforce such regulations;

(14) Atmospheric pollution which may be injurious or detrimental to public health;

(15) Sources of radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials; and

(16) The establishment, operation and maintenance of all clinical laboratories not owned, or functioning as a component of a licensed hospital. These laboratories shall not include laboratories owned or operated by five or less licensed practitioners of the healing arts, unless otherwise provided by federal law or regulation, and in which these practitioners perform tests or procedures solely in connection with the treatment of their patients. Rules promulgated under the authority of this clause, which shall not take effect until federal legislation relating to the regulation and improvement of clinical laboratories has been enacted, may relate at least to minimum requirements for external and internal quality control, equipment, facility environment, personnel, administration and records. These rules may include the establishment of a fee schedule for clinical laboratory inspections. The provisions of this clause shall expire 30 days after the conclusion of any fiscal year in which the federal government pays for less than 45 percent of the cost of regulating clinical laboratories.

Subd. 2. The commissioner may regulate the general sanitation of mass gatherings by promulgation of rules in respect to, but not limited to, the following areas: water supply, disposal of sewage, garbage and other wastes, the prevention and control of communicable diseases, the furnishing of suitable and adequate sanitary accommodations, and all other reasonable and necessary precautions to protect and insure the health, comfort and safety of those in attendance. No permit, license, or other prior approval shall be required of the commissioner for a mass gathering. A "mass gathering" shall mean an actual or reasonably anticipated assembly of more than 1,500 persons which will continue, or may reasonably be expected to continue, for a period of more than ten consecutive hours and which is held in an open space or temporary structure especially constructed, erected or assembled for the gathering. For purposes of this subdivision, "mass gatherings" shall not include public gatherings sponsored by a political subdivision or a nonprofit organization.

Subd. 3. Applications for licenses or permits issued pursuant to this section shall be submitted with a fee prescribed by the commissioner pursuant to section 144.122. Licenses or permits shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

[ *RL s 2131; 1917 c 345 s 1; 1923 c 227 s 1; 1951 c 537 s 1; 1953 c 134 s 1; 1957 c 361 s 1; 1975 c 310 s 4; 1975 c 351 s 1; 1977 c 66 s 10; 1977 c 305 s 45; 1977 c 406 s 1* ] (5345)

**144.121 X-RAY MACHINES AND FACILITIES USING RADIUM; FEES; PERIODIC INSPECTIONS.** Subdivision 1. The fee for the registration for x-ray machines and radium required to be registered under regulations adopted by the state commissioner of health pursuant to section 144.12, shall be in an amount prescribed by the commissioner pursuant to section 144.122. The first fee for registration shall be due on January 1, 1975. The registration shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

Subd. 2. Periodic radiation safety inspections of the sources of ionizing radiation shall be made by the state commissioner of health. The frequency of safety inspections shall be prescribed by the commissioner on the basis of the frequency of use of the source of ionizing radiation; provided that each source shall be inspected at least once every four years.

[ *1974 c 81 s 1; 1975 c 310 s 35; 1977 c 305 s 45* ]

**144.122 LICENSE AND PERMIT FEES.** The state commissioner of health, by rule and regulation, may prescribe reasonable procedures and fees for filing with the commissioner as prescribed by statute and for the issuance of original and renewal permits, licenses, registrations and certifications issued under his authority. The expiration dates of the various licenses, permits, registrations and certifications as prescribed by the rules and regulations shall be plainly marked thereon. Fees may include application and examination fees and a penalty fee for renewal applications submitted

after the expiration date of the previously issued permit, license, registration, and certification. The commissioner may also prescribe, by rule and regulation, reduced fees for permits, licenses, registrations, and certifications when the application therefor is submitted during the last three months of the permit, license, registration, or certification period. Fees proposed to be prescribed in the rules and regulations shall be first approved by the department of finance. All fees proposed to be prescribed in rules and regulations shall be reasonable. The fees shall be in an amount so that the total fees collected by the commissioner will, where practical, approximate the cost to the commissioner in administering the program. All fees collected shall be deposited in the state treasury and credited to the general fund unless otherwise specifically appropriated by law for specific purposes.

[ 1974 c 471 s 1; 1975 c 310 s 36; 1977 c 305 s 45 ]

**144.125 TESTS OF INFANTS FOR INBORN METABOLIC ERRORS CAUSING MENTAL RETARDATION.** It is the duty of (1) the administrative officer or other person in charge of each institution caring for infants 28 days or less of age and (2) the person required in pursuance of the provisions of section 144.159, to register the birth of a child, to cause to have administered to every such infant or child in its or his care tests for phenylketonuria and other inborn errors of metabolism causing mental retardation in accordance with rules or regulations prescribed by the state commissioner of health. Testing and the recording and reporting of the results of such tests shall be performed at such times and in such manner as may be prescribed by the state commissioner of health. The provisions of this section shall not apply to any infant whose parents object thereto on the grounds that such tests and treatment conflict with their religious tenets and practices.

[ 1965 c 205 s 1; 1977 c 305 s 45 ]

**144.13 REGULATIONS, NOTICE PUBLISHED.** Three weeks published notice of such regulations, if of general application throughout the state, shall be given at the seat of government; if of local application only, as near such locality as practicable. Special rules applicable to particular cases shall be sufficiently noticed when posted in a conspicuous place upon or near the premises affected. Fines collected for violations of regulations adopted by the commissioner shall be paid into the state treasury; and of local boards and officers, into the county treasury.

[ RL s 2132; 1977 c 305 s 45 ] (5346)

**144.14 QUARANTINE OF INTERSTATE CARRIERS.** When necessary the commissioner may establish and enforce a system of quarantine against the introduction into the state of any plague or other communicable disease by common carriers doing business across its borders. Its members, officers, and agents may board any conveyance used by such carriers to inspect the same and, if such conveyance be found infected, may detain the same and isolate and quarantine any or all persons found thereon, with their luggage, until all danger of communication of disease therefrom is removed.

[ RL s 2133; 1977 c 305 s 45 ] (5347)

**144.155 FLUORIDATION OF MUNICIPAL WATER SUPPLIES.** For the purpose of promoting public health through prevention of tooth decay, the person, firm, corporation, or municipality having jurisdiction over a municipal water supply, whether publicly or privately owned or operated, shall control the quantities of fluoride in the water so as to maintain a fluoride content prescribed by the state commissioner of health. In the manner provided by law, the state commissioner of health shall promulgate rules and regulations relating to the fluoridation of public water supplies which shall include, but not be limited to the following: (1) The means by which fluoride is controlled; (2) the methods of testing the fluoride content; and (3) the records to be kept relating to fluoridation. The state commissioner of health shall enforce the provisions of this section. In so doing he shall require the fluoridation of water in all municipal water supplies on or before January 1, 1970. The state commissioner of health shall not require the fluoridation of water in any municipal water supply where such water supply in the state of nature contains sufficient fluorides to conform with the rules and regulations of such commissioner.

[ 1967 c 603 s 1; 1977 c 305 s 45 ]

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DEPARTMENT OF HEALTH 144.1761

**144.146 TREATMENT OF CYSTIC FIBROSIS.** Subdivision 1. **Program.** The commissioner of health shall develop and conduct a program including medical care and hospital treatment for persons aged 21 or over who are suffering from cystic fibrosis.

Subd. 2. [ Repealed, 1978 c 762 s 9 ]  
[ 1975 c 409 s 1,2; 1977 c 305 s 45 ]

**144.15** [ Repealed, 1945 c 512 s 37 ]

## VITAL STATISTICS

**144.151** Subdivision 1. [ Repealed, 1978 c 699 s 17 ]

Subd. 2. [ Repealed, 1978 c 699 s 17 ]

Subd. 3. [ Repealed, 1978 c 699 s 17 ]

Subd. 4. [ Repealed, 1978 c 699 s 17 ]

Subd. 5. [ Repealed, 1978 c 699 s 17 ]

Subd. 6. [ Repealed, 1978 c 699 s 17 ]

Subd. 7. [ Repealed, 1978 c 699 s 17 ]

Subd. 8. [ Repealed, 1978 c 699 s 17; 1978 c 790 s 4 ]

Subd. 9. [ Repealed, 1978 c 699 s 17; 1978 c 790 s 4 ]

**144.152** [ Repealed, 1978 c 699 s 17 ]

**144.153** [ Repealed, 1978 c 699 s 17 ]

**144.154** [ Repealed, 1978 c 699 s 17 ]

**144.155** [ Repealed, 1978 c 699 s 17 ]

**144.156** [ Repealed, 1978 c 699 s 17 ]

**144.157** [ Repealed, 1978 c 699 s 17 ]

**144.158** [ Repealed, 1978 c 699 s 17 ]

**144.159** [ Repealed, 1978 c 699 s 17 ]

**144.16** [ Repealed, 1945 c 512 s 37 ]

**144.161** [ Repealed, 1978 c 699 s 17 ]

**144.162** [ Repealed, 1978 c 699 s 17 ]

**144.163** [ Repealed, 1978 c 699 s 17 ]

**144.164** [ Repealed, 1978 c 699 s 17 ]

**144.165** [ Repealed, 1978 c 699 s 17 ]

**144.166** [ Repealed, 1978 c 699 s 17 ]

**144.167** [ Repealed, 1978 c 699 s 17 ]

**144.168** [ Repealed, 1978 c 699 s 17 ]

**144.169** [ Repealed, 1978 c 699 s 17 ]

**144.17** [ Repealed, 1945 c 512 s 37 ]

**144.171** [ Repealed, 1978 c 699 s 17 ]

**144.172** [ Repealed, 1978 c 699 s 17 ]

**144.173** [ Repealed, 1978 c 699 s 17 ]

**144.174** [ Repealed, 1978 c 699 s 17 ]

**144.175** Subdivision 1. [ Repealed, 1978 c 699 s 17 ]

Subd. 2. [ Repealed, 1978 c 699 s 17; 1978 c 790 s 4 ]

Subd. 3. [ Repealed, 1947 c 517 s 8; 1978 c 699 s 17 ]

Subd. 4. [ Repealed, 1978 c 699 s 17 ]

Subd. 5. [ Repealed, 1978 c 699 s 17 ]

**144.176** [ Repealed, 1978 c 699 s 17 ]

**144.1761 ACCESS TO ADOPTION RECORDS.** Subdivision 1. **Request.** An adopted person who is 21 years of age or over may request the state registrar to disclose the information on the adopted person's original birth certificate. The state reg-

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istrar shall, within five days of receipt of the request, notify the commissioner of public welfare in writing of the request by the adopted person.

**Subd. 2. Search.** Within six months after receiving notice of the request of the adopted person, the commissioner of public welfare shall make complete and reasonable efforts to notify each parent identified on the original birth certificate of the adopted person. The commissioner may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision. Every licensed child placing agency in the state shall cooperate with the commissioner of public welfare in his efforts to notify an identified parent. All communications under this subdivision are confidential pursuant to section 15.162, subdivision 2a.

For purposes of this subdivision, "notify" means a personal and confidential contact with the genetic parents named on the original birth certificate of the adopted person; said personal and confidential contact shall not be by mail and shall be by an employee or agent of the licensed child placing agency which processed the pertinent adoption, or some other licensed child placing agency designated by the commissioner of public welfare; said personal and confidential contact shall be evidenced by filing with the state registrar an affidavit of notification executed by the person who notified each parent and certifying that each parent was given the following information:

- (a) The nature of the information requested by the adopted person;
- (b) The date of the request of the adopted person;
- (c) The right of the parent to file, within 120 days of receipt of the notice, an affidavit with the state registrar stating that the information on the original birth certificate should be disclosed;
- (d) The right of the parent to file a consent to disclosure with the state registrar at any time; and
- (e) The effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth certificate should not be disclosed.

**Subd. 3. Failure to notify parent.** If the commissioner of public welfare certifies to the state registrar that he has been unable to notify a parent identified on the original birth certificate within six months, and if neither identified parent has at any time filed an unrevoked affidavit with the state registrar stating that the information on the original birth certificate shall be disclosed, the information may be disclosed as follows:

(a) If the person was adopted prior to August 1, 1977, he may petition the appropriate court for disclosure of his original birth certificate pursuant to section 259.31, and the court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

(b) If the person was adopted on or after August 1, 1977, the state registrar shall release the requested information to the adopted person.

If either parent identified on the birth certificate has at any time filed with the state registrar an unrevoked affidavit stating that the information on the original birth certificate should not be disclosed, the state registrar shall not disclose the information to the adopted person until the affidavit is revoked by the filing of a consent to disclosure by that parent.

**Subd. 4. Release of information after notice.** If, within six months, the commissioner of public welfare certifies to the state registrar that he has notified each parent identified on the original birth certificate pursuant to subdivision 2, the state registrar shall disclose the information requested by the adopted person 121 days after the date of the latest notice to either parent. This disclosure will occur if, at any time during the 121 days both of the parents identified on the original birth certificate have filed an affidavit with the state registrar stating that the information shall be disclosed and the affidavit has not been revoked by the subsequent filing by a parent of an affidavit that the information shall not be disclosed.

**Subd. 5. Death of parent.** Notwithstanding the provisions of subdivisions 3 and 4, if a parent named on the original birth certificate of an adopted person has died, and at any time prior to his death the parent has filed an unrevoked affidavit with the state registrar stating that the information on the original birth certificate shall not be released, the adopted person may petition the court of original jurisdiction of the

adoption proceeding for disclosure of his original birth certificate pursuant to section 259.31. The court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

[ 1977 c 181 s 3 ]

**144.177** [ Repealed, 1978 c 699 s 17 ]

**144.178** [ Repealed, 1978 c 699 s 17 ]

**144.18** [ Repealed, 1945 c 512 s 37 ]

**144.181** [ Repealed, 1978 c 699 s 17 ]

**144.182** [ Repealed, 1978 c 699 s 17 ]

**144.183** [ Repealed, 1978 c 699 s 17 ]

**144.19** [ Repealed, 1945 c 512 s 37 ]

**144.191** [ Repealed, 1978 c 699 s 17 ]

**144.20** [ Repealed, 1945 c 512 s 37 ]

**144.201** [ Repealed, 1978 c 699 s 17 ]

**144.202** [ Repealed, 1978 c 699 s 17 ]

**144.203** [ Repealed, 1978 c 699 s 17 ]

**144.204** [ Repealed, 1978 c 699 s 17 ]

**144.205** [ Repealed, 1978 c 699 s 17 ]

**144.21** [ Repealed, 1945 c 512 s 37 ]

**144.211 CITATION.** Sections 144.211 to 144.227 may be cited as the "vital statistics act".

[ 1978 c 699 s 1 ]

**144.212 DEFINITIONS.** Subdivision 1. As used in sections 144.211 to 144.227, the following terms have the meanings given:

Subd. 2. "Commissioner" means the commissioner of health.

Subd. 3. "File" means to present a vital record for registration.

Subd. 4. "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or dead fetus.

Subd. 5. "Registration" means the acceptance of a vital record for filing by a registrar of vital statistics.

Subd. 6. "State registrar" means the commissioner of health or his designee.

Subd. 7. "System of vital statistics" includes the registration, collection, preservation, amendment and certification of vital records, the collection of other reports required by sections 144.211 to 144.227, and related activities including the tabulation, analysis and publication of vital statistics.

Subd. 8. "Vital record" means certificates or reports of birth, death, marriage, dissolution and annulment, and data related thereto.

Subd. 9. "Vital statistics" means the data derived from certificates and reports of birth, death, fetal death, induced abortion, marriage, dissolution and annulment, and related reports.

Subd. 10. "Local registrar" means an individual designated under section 144.214, subdivision 1, to perform the duties of a local registrar.

Subd. 11. "Consent to disclosure" means an affidavit filed with the state registrar which sets forth the following information:

(a) The current name and address of the affiant;

(b) Any previous name by which the affiant was known;

(c) The original and adopted names, if known, of the adopted child whose original birth certificate is to be disclosed;

(d) The place and date of birth of the adopted child;

(e) The biological relationship of the affiant to the adopted child; and

(f) The affiant's consent to disclosure of the original unaltered birth certificate of the adopted child.

[ 1978 c 699 s 2 ]

**144.213 OFFICE OF VITAL STATISTICS.** Subdivision 1. **Creation; state registrar.** The commissioner shall establish an office of vital statistics under the supervision of the state registrar. The commissioner shall furnish to local registrars the forms necessary for correct reporting of vital statistics, and shall instruct the local registrars in the collection and compilation of the data. The commissioner shall promulgate rules for the collection, filing, and registering of vital statistics information by state and local registrars, physicians, morticians, and others. Except as otherwise provided in sections 144.211 to 144.227, rules previously promulgated by the commissioner relating to the collection, filing and registering of vital statistics shall remain in effect until repealed, modified or superseded by a rule promulgated by the commissioner.

Subd. 2. **General duties.** The state registrar shall coordinate the work of local registrars to maintain a statewide system of vital statistics. The state registrar is responsible for the administration and enforcement of sections 144.211 to 144.227, and shall supervise local registrars in the enforcement of sections 144.211 to 144.227 and the rules promulgated thereunder.

Subd. 3. **Record-keeping.** To preserve vital records the state registrar is authorized to prepare typewritten, photographic, electronic or other reproductions of original records and files in the office of vital statistics. The reproductions when certified by the state or local registrar shall be accepted as the original records.

[ 1978 c 699 s 3 ]

**144.214 LOCAL REGISTRARS OF VITAL STATISTICS.** Subdivision 1. **Districts.** Each county of the state, the city of St. Paul, and the city of Minneapolis, shall constitute the 89 registration districts of the state. The local registrar in each county shall be the clerk of district court in that county. The local registrar in any city which maintains local registration of vital statistics shall be the health officer. In addition, the state registrar may establish registration districts on United States government reservations, and may appoint a local registrar for each registration district so established.

Subd. 2. **Failure of duty.** A local registrar who neglects or fails to discharge his duties as provided by sections 144.211 to 144.227 may be relieved of his duties as local registrar by the state registrar after notice and hearing. The state registrar may appoint a successor to serve as local registrar. If a local registrar fails to file or transmit birth or death certificates the state registrar shall obtain them by other means.

Subd. 3. **Duties.** The local registrar shall examine each certificate of birth and death received by him, pursuant to the rules of the commissioner. If the certificate is complete it shall be registered. The local registrar shall enforce the provisions of sections 144.211 to 144.227 and the rules promulgated thereunder within the registration district, and shall promptly report violations of the laws or rules to the state registrar.

Subd. 4. **Designated morticians.** The state registrar may designate licensed morticians to receive for filing certificates of death, to issue burial permits, and to issue permits for the transportation of dead bodies or dead fetuses within designated territory. The designated morticians shall perform duties as prescribed by rule of the commissioner.

[ 1978 c 699 s 4 ]

**144.215 BIRTH REGISTRATION.** Subdivision 1. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurred, within five days after the birth.

Subd. 2. The commissioner shall establish by rule an orderly mechanism for the registration of births including at least a designation for who must file the birth certificate, a procedure for registering births which occur in moving conveyances, and a provision governing the names of the parent or parents to be entered on the birth certificate.

Subd. 3. In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the birth certificate. If the order of the court declares the name of the child, it shall also be entered on the birth certificate; if the order of the court does not declare the name of the child, then

upon the request of both parents in writing, the surname of the child shall be that of the father.

[ 1978 c 699 s 5 ]

**144.216 FOUNDLING REGISTRATION.** Subdivision 1. Whoever finds a live born infant of unknown parentage shall report within five days to the office of vital statistics such information as the commissioner may by rule require to identify the foundling.

Subd. 2. A report registered under subdivision 1 shall constitute the certificate of birth for the child. If the child is identified and a certificate of birth is found or obtained, the report registered under subdivision 1 shall be confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order.

[ 1978 c 699 s 6 ]

**144.217 DELAYED CERTIFICATES OF BIRTH.** Subdivision 1. **Evidence required for filing.** Before a delayed certificate of birth is registered, the person presenting the delayed certificate for registration shall offer evidence of the facts contained in the certificate, as required by the rules of the commissioner. In the absence of the evidence required, the delayed certificate shall not be registered.

Subd. 2. **Court petition.** If a delayed certificate of birth is rejected under subdivision 1, a person may petition the appropriate court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered. The petition shall state:

(a) That the person for whom a delayed certificate of birth is sought was born in this state;

(b) That no certificate of birth can be found in the office of the state or local registrar;

(c) That diligent efforts by the petitioner have failed to obtain the evidence required in subdivision 1;

(d) That the state registrar has refused to register a delayed certificate of birth; and

(e) Other information as may be required by the court.

Subd. 3. **Court order.** The court shall fix a time and place for a hearing on the petition and shall give the state registrar ten days notice of the hearing. The state registrar may appear and testify in the proceeding. If the court is satisfied from the evidence received at the hearing of the truth of the statements in the petition, the court shall order the registration of the delayed certificate.

Subd. 4. **Filing the order.** A certified copy of the order shall be filed with the state registrar, who shall forward a copy to the local registrar in the district of birth. Certified copies of the order shall be evidence of the truth of their contents and be admissible as birth certificates.

[ 1978 c 699 s 7 ]

**144.218 NEW CERTIFICATES OF BIRTH.** Subdivision 1. Upon receipt of a certified copy of an order, decree, or certificate of adoption, the state registrar shall register a supplementary certificate in the new name of the adopted person. The original certificate of birth and the certified copy are confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order or section 144.1761. Upon the receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the file.

Subd. 2. **Adoption of foreign persons.** In proceedings for the adoption of a person who was born in a foreign country, the court, upon evidence presented by the commissioner of public welfare from information secured at the port of entry, or upon evidence from other reliable sources, may make findings of fact as to the date and place of birth and parentage. Upon receipt of certified copies of the court findings and the order or decree of adoption, the state registrar shall register a birth certificate in the new name of the adopted person. The certified copies of the court findings and the order or decree of adoption are confidential, pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order or section 144.1761. The birth certificate shall state the place of birth as specifically as possible, and that the

certificate is not evidence of United States citizenship.

**Subd. 3. Subsequent marriage of natural parents.** If, in cases in which a certificate of birth has been registered pursuant to section 144.215 and the natural parents of the child marry after the birth of the child, a new certificate of birth shall be registered upon presentation of a certified copy of the marriage certificate of the natural parents, and either an acknowledgment or court adjudication of paternity. The information presented and the original certificate of birth are confidential, pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order.

**Subd. 4. Incomplete and incorrect certificates.** If a court finds that a birth certificate is incomplete, inaccurate or false, it may order the registration of a new certificate, and shall set forth the correct information in the order. Upon receipt of the order the state registrar shall register a new certificate containing the findings of the court, and the prior certificate shall be confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order.

[ 1978 c 699 s 8 ]

**144.219 AMENDMENT OF VITAL RECORDS.** Upon the order of a court of this state, upon the request of a court of another state, or upon the filing of an acknowledgment of paternity with the state registrar or the appropriate court which is not disputed by the mother named on the original birth certificate within a reasonable time after being informed of the filing, a new birth certificate shall be registered consistent with the findings of the court or with the acknowledgment of paternity.

[ 1978 c 699 s 9 ]

**144.22** [ Repealed, 1945 c 512 s 37 ]

**144.221 DEATH REGISTRATION.** Subdivision 1. A death certificate for each death which occurs in the state shall be filed with the local registrar of the district in which the death occurred or with a mortician appointed pursuant to section 144.214, subdivision 4, within five days after death and prior to final disposition.

**Subd. 2.** The commissioner of health shall establish in rule an orderly mechanism for the registration of deaths including at least a designation for who must file the death certificate, a procedure for the registration of deaths in moving conveyances, and provision to include cause and certification of death and assurance of registration prior to final disposition.

**Subd. 3.** When circumstances suggest that a death has occurred although a dead body cannot be produced to confirm the fact of death, a death certificate shall not be registered until a court has adjudicated the fact of death. A certified copy of the court finding shall be attached to the death certificate when it is registered.

[ 1978 c 699 s 10 ]

**144.222 REPORTS OF FETAL DEATH.** Each fetal death which occurs in this state shall be reported within five days to the state registrar as prescribed by rule by the commissioner.

[ 1978 c 699 s 11 ]

**144.223 REPORT OF MARRIAGE.** Data relating to certificates of marriage registered shall be reported to the state registrar by the local registrars pursuant to the rules of the commissioner. The information necessary to compile the report shall be furnished by the applicant prior to the issuance of the marriage license. The report shall contain the following information:

**A. Personal information on bride and groom:**

1. Name;
2. Residence;
3. Date and place of birth;
4. Race;
5. If previously married, how terminated;
6. Signature of applicant and date signed.

**B. Information concerning the marriage:**

1. Date of marriage;
2. Place of marriage;
3. Civil or religious ceremony.  
[ 1977 c 305 s 45; 1978 c 699 s 12 ]

**144.224 REPORTS OF DISSOLUTION AND ANNULMENT OF MARRIAGE.**

Each month the clerk of court shall file a report with the state registrar, reporting the dissolutions and annulments of marriage granted by the court in the preceding month. The report shall include the following information:

- a. Name and date of birth of the husband and wife;
- b. County of decree;
- c. Date of decree;
- d. Signature of the clerk of court; and
- e. Date signed.  
[ 1978 c 699 s 13 ]

**144.225 DISCLOSURE OF INFORMATION FROM VITAL RECORDS.** Subdivision 1. Except as otherwise provided for in this section and section 144.176, information contained in vital records shall be public information. Physical access to vital records shall be subject to the supervision and regulation of state and local registrars and their employees pursuant to rules promulgated by the commissioner in order to protect vital records from loss, mutilation or destruction and to prevent improper disclosure of records which are confidential or private data on individuals, as defined in section 15.162, subdivisions 2a and 5a.

Subd. 2. Disclosure of information pertaining to births out of wedlock or information from which it can be ascertained, shall be made only to the guardian of the person, the person to whom the record pertains when the person is 18 years of age or older, or upon order of a court of competent jurisdiction. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of public welfare and it shall not be necessary for him to obtain an order of the court in order to inspect records or to secure certified copies thereof.

Subd. 3. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in sections 144.211 to 144.227 or the rules of the commissioner.

Subd. 4. The state registrar may permit persons performing medical research access to the information restricted in subdivision 2 if those persons agree in writing not to disclose private data on individuals.

Subd. 5. When a resident of another state is born or dies in this state, the state registrar shall send a report of the birth or death to the state of residence.  
[ 1978 c 699 s 14 ]

**144.226 FEES.** Subdivision 1. The fees for any of the following services shall be in an amount prescribed by rule of the commissioner:

(a) The issuance of a certified copy or certification of a vital record, or a certification that the record cannot be found, provided that a fee shall not be charged for any certified copy required for service in the armed forces or the Merchant Marine of the United States or required in the presentation of claims to the United States Veterans Administration of any state or territory of the United States, or for any copy requested by the commissioner of public welfare for the discharge of his duties relating to state wards. No fee shall be charged for verification of information requested by official agencies of this state, local governments in this state, or the federal government;

(b) The replacement of a birth certificate;

(c) The filing of a delayed registration of birth or death;

(d) The alteration, correction, or completion of any vital record, provided that no fee shall be charged for an alteration, correction, or completion requested within one year after the filing of the certificate; and

(e) The verification of information from or noncertified copies of vital records. Fees charged shall approximate the costs incurred in searching and copying the records. The fee shall be payable at time of application.

Subd. 2. Fees collected under this section by the state registrar shall be deposited to the general fund.

[ 1977 c 305 s 45; 1978 c 699 s 15 ]

**144.227 PENALTIES.** Subdivision 1. Whoever intentionally makes any false statement in a certificate, record, or report required to be filed under sections 144.211 to 144.227, or in an application for an amendment thereof, or in an application for a certified copy of a vital record, or who supplies false information intending that the information be used in the preparation of any report, record, certificate, or amendment thereof, is guilty of a misdemeanor.

Subd. 2. Any person who, without lawful authority and with the intent to deceive, willfully and knowingly makes, counterfeits, alters, obtains, possesses, uses or sells any certificate, record or report required to be filed under sections 144.211 to 144.227, or a certified copy of a certificate, record or report, is guilty of a gross misdemeanor.

[ 1978 c 699 s 16 ]

**144.23-144.28** [ Repealed, 1945 c 512 s 37 ]

### HEALTH RECORDS AND REPORTS

**144.29 HEALTH RECORDS; CHILDREN OF SCHOOL AGE.** It shall be the duty of every school nurse, school physician, school attendance officer, superintendent of schools, principal, teacher, and of the persons charged with the duty of compiling and keeping the school census records, to cause a permanent public health record to be kept for each child of school age. Such record shall be kept in such form that it may be transferred with the child to any school which the child shall attend within the state and transferred to the commissioner when the child ceases to attend school. It shall contain a record of such health matters as shall be prescribed by the commissioner, and of all mental and physical defects and handicaps which might permanently cripple or handicap the child. Nothing in sections 144.29 to 144.32 shall be construed to require any child whose parent or guardian objects in writing thereto to undergo a physical or medical examination or treatment. A copy shall be forwarded to the proper department of any state to which the child shall remove.

[ 1929 c 277 s 1; 1977 c 305 s 45 ] (5356-1)

**144.30 COPIES OF RECORDS EVIDENCE IN JUVENILE COURT.** When any child shall be brought into juvenile court the court shall request, and the custodian of the record shall furnish, a complete certified copy of such record to the court, which copy shall be received as evidence in the case; and no decision or disposition of the pending matter shall be finally made until such record, if existing, shall be considered.

[ 1929 c 277 s 2 ] (5356-2)

**144.31** [ Repealed, 1969 c 1082 s 2 ]

**144.32 FALSE STATEMENTS TO BE CAUSE FOR DISCHARGE.** Any intentionally false statement in such certificate and any act or omission of a superintendent or superior officer to connive at or permit the same shall be deemed good cause for summary discharge of the person at fault regardless of any contract.

[ 1929 c 277 s 4 ] (5356-4)

**144.33** [ Repealed, 1961 c 27 s 1 ]

**144.335 ACCESS TO HEALTH RECORDS.** Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given them:

(a) "Patient" means a natural person who has received health care services from a provider for treatment of a medical, psychiatric or mental condition, or a person he designates in writing as his representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapters 147, 148, 150A, 151 or 153; and (2) a health care facility licensed pursuant to chapters 144 or 144A.

Subd. 2. **Patient access.** Upon request a provider shall supply to a patient complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient in terms and language the patient can reasonably be expected to understand.

Upon a patient's written request, a provider at a reasonable cost to the patient shall furnish to the patient: (a) copies of the patient's health record, including but not limited to laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's health condition; (b) the pertinent portion of the record relating to a specific condition; or (c) a summary of the record.

If a provider, as defined in subdivision 1, clause (b) (1), reasonably determines that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to harm himself or another, he may withhold the information from the patient. The information may be supplied to an appropriate third party or to another provider, as defined in subdivision 1, clause (b) (1). The provider or third party may release the information to the patient.

Subd. 3. **Provider transfers and loans.** A patient's health record, including but not limited to, laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's condition, or the pertinent portion of the record relating to a specific condition, or a summary of the record, shall be furnished to another provider upon the written request of the patient. The written request shall specify the name of the provider to whom the health record is to be furnished. The provider who furnishes the health record or summary may retain a copy of the materials furnished. The patient shall be responsible for the reasonable costs of furnishing the information.

Subd. 4. **Additional patient rights.** The rights set forth in this section are in addition to the rights set forth in sections 144.651 and 144.652 and any other provision of law relating to the access of a patient to his health records.

[ 1977 c 380 s 1 ]

#### 144.34 INVESTIGATION AND CONTROL OF OCCUPATIONAL DISEASES.

Any physician having under his professional care any person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, silica dust, carbon monoxide gas, wood alcohol, or mercury, or their compounds, or from anthrax or from compressed-air illness or any other disease contracted as a result of the nature of the employment of such person shall within five days mail to the department of health a report stating the name, address, and occupation of such patient, the name, address, and business of his employer, the nature of the disease, and such other information as may reasonably be required by the department. The department shall prepare and furnish the physicians of this state suitable blanks for the reports herein required. No report made pursuant to the provisions of this section shall be admissible as evidence of the facts therein stated in any action at law or in any action under the workers' compensation act against any employer of such diseased person. The department of health is authorized to investigate and to make recommendations for the elimination or prevention of occupational diseases which have been reported to it, or which shall be reported to it, in accordance with the provisions of this section. The department is also authorized to study and provide advice in regard to conditions that may be suspected of causing occupational diseases. Information obtained upon investigations made in accordance with the provisions of this section shall not be admissible as evidence in any action at law to recover damages for personal injury or in any action under the workers' compensation act. Nothing herein contained shall be construed to interfere with or limit the powers of the department of labor and industry to make inspections of places of employment or issue orders for the protection of the health of the persons therein employed. When upon investigation the commissioner of health reaches a conclusion that a condition exists which is dangerous to the life and health of the workers in any industry or factory or other industrial institutions he shall file a report thereon with the department of labor and industry.

[ 1939 c 322; 1975 c 359 s 23; 1977 c 305 s 45 ] (4327-1)

## CONSENT OF MINORS FOR

## HEALTH SERVICES

**144.341 LIVING APART FROM PARENTS AND MANAGING FINANCIAL AFFAIRS, CONSENT FOR SELF.** Notwithstanding any other provision of law, any minor who is living separate and apart from his parents or legal guardian, whether with or without the consent of a parent or guardian and regardless of the duration of such separate residence, and who is managing his own financial affairs, regardless of the source or extent of his income, may give effective consent to medical, dental, mental and other health services for himself, and the consent of no other person is required.

[ 1971 c 544 s 1 ]

**144.342 MARRIAGE OR GIVING BIRTH, CONSENT FOR HEALTH SERVICE FOR SELF OR CHILD.** Any minor who has been married or has borne a child may give effective consent to medical, mental, dental and other health services for his or her child, and for himself or herself, and the consent of no other person is required.

[ 1971 c 544 s 2 ]

**144.343 PREGNANCY, VENEREAL DISEASE AND ALCOHOL OR DRUG ABUSE.** Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required.

[ 1971 c 544 s 3 ]

**144.344 EMERGENCY TREATMENT.** Medical, dental, mental and other health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the professional's judgment, the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.

[ 1971 c 544 s 4 ]

**144.345 REPRESENTATIONS TO PERSONS RENDERING SERVICE.** The consent of a minor who represents that he may give effective consent for the purpose of receiving medical, dental, mental or other health services but who may not in fact do so, shall be deemed effective without the consent of the minor's parent or legal guardian, if the person rendering the service relied in good faith upon the representations of the minor.

[ 1971 c 544 s 5 ]

**144.346 INFORMATION TO PARENTS.** The professional may inform the parent or legal guardian of the minor patient of any treatment given or needed where, in the judgment of the professional, failure to inform the parent or guardian would seriously jeopardize the health of the minor patient.

[ 1971 c 544 s 6 ]

**144.347 FINANCIAL RESPONSIBILITY.** A minor so consenting for such health services shall thereby assume financial responsibility for the cost of said services.

[ 1971 c 544 s 7 ]

## WATER POLLUTION

**144.35 POLLUTION OF WATER.** No sewage or other matter that will impair the healthfulness of water shall be deposited where it will fall or drain into any pond or stream used as a source of water supply for domestic use. The commissioner shall have general charge of all springs, wells, ponds, and streams so used and take all necessary and proper steps to preserve the same from such pollution as may endanger the public health. In case of violation of any of the provisions of this section, the commissioner may, with or without a hearing, order any person to desist from causing such pollution and to comply with such direction of the commissioner as he may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions.

[ RL s 2147; 1977 c 305 s 45 ] (5375)

**144.36 APPEAL TO DISTRICT COURT.** Within five days after service of the order, any person aggrieved thereby may appeal to the district court of the county in which such polluted source of water supply is situated; and such appeal shall be

taken, prosecuted, and determined in the same manner as provided in section 145.19. During the pendency of the appeal the pollution against which the order has been issued shall not be continued and, upon violation of such order, the appeal shall forthwith be dismissed.

[ *RL s 2148* ] (5376)

**144.37 OTHER REMEDIES PRESERVED.** Nothing in sections 144.36 and 145.17 shall curtail the power of the courts to administer the usual legal and equitable remedies in cases of nuisances or of improper interference with private rights.

[ *RL s 2149* ] (5377)

**144.371** [ Renumbered 115.01 ]

**144.372** [ Renumbered 115.02 ]

**144.373** [ Renumbered 115.03 ]

**144.374** [ Renumbered 115.04 ]

**144.375** [ Renumbered 115.05 ]

**144.376** [ Renumbered 115.06 ]

**144.377** [ Renumbered 115.07 ]

**144.378** [ Renumbered 115.08 ]

**144.379** [ Renumbered 115.09 ]

**144.38** [ Repealed, 1967 c 882 s 11 ]

#### SAFE DRINKING WATER ACT

**144.381 CITATION.** Sections 144.381 to 144.387 may be cited as the "Safe Drinking Water Act of 1977".

[ *1977 c 66 s 1* ]

**144.382 DEFINITIONS.** Subdivision 1. For the purposes of sections 144.381 to 144.387, the following terms have the meanings given.

Subd. 2. "Commissioner" means the state commissioner of health.

Subd. 3. "Federal regulations" means rules promulgated by the federal environmental protection agency, or its successor agencies.

Subd. 4. "Public water supply" means a system providing piped water for human consumption, and either containing a minimum of 15 service connections or 15 living units, or serving an average of 25 persons daily for 60 days of the year. "Public water supply" includes a collection, treatment, storage, and distribution facility under control of an operator and used primarily in connection with the system, and a collection or pretreatment storage facility used primarily in connection with the system but not under control of an operator.

Subd. 5. "Supplier" means a person who owns, manages or operates a public water supply.

[ *1977 c 66 s 2; 1977 c 305 s 45* ]

**144.383 AUTHORITY OF COMMISSIONER.** In order to insure safe drinking water in all public water supplies, the commissioner has the following powers:

(a) To approve the site, design, and construction and alteration of public water supply;

(b) To enter the premises of a public water supply, or part thereof, to inspect the facilities and records kept pursuant to rules promulgated by the commissioner, to conduct sanitary surveys and investigate the standard of operation and service delivered by public water supplies;

(c) To contract with local boards of health, created pursuant to section 145.913, for routine surveys, inspections, and testing of public water supply quality;

(d) To develop an emergency plan to protect the public when a decline in water quality or quantity creates a serious health risk, and to issue emergency orders if a health risk is imminent;

(e) To promulgate rules, pursuant to chapter 15 but no less stringent than federal regulation, which may include the granting of variances and exemptions.

[ 1977 c 66 s 3; 1977 c 305 s 45 ]

**144.384 NOTICE OF VIOLATION.** Upon discovery of a violation of a maximum contaminant level or treatment technique, the commissioner shall promptly notify the supplier of the violation, state the rule violated, and state a date by which the violation must be corrected or by which a request for variance or exemption must be submitted.

[ 1977 c 66 s 4; 1977 c 305 s 45 ]

**144.385 PUBLIC NOTICE.** If a public water system has violated a rule of the commissioner, has a variance or exemption granted, or fails to comply with the terms of the variance or exemption, the supplier shall provide public notice of the fact pursuant to the rules of the commissioner.

[ 1977 c 66 s 5; 1977 c 305 s 45 ]

**144.386 PENALTIES.** Subdivision 1. A person who violates a rule of the commissioner, fails to comply with the terms of a variance or exemption, or fails to request a variance or exemption by the date specified in the notice from the commissioner, may be fined up to \$1,000 for each day the offense continues, in a civil action brought by the commissioner in district court. All fines shall be deposited in the general fund of the state treasury.

Subd. 2. A person who intentionally or repeatedly violates a rule of the commissioner, or fails to comply with an emergency order of the commissioner, is guilty of a gross misdemeanor, and may be fined not more than \$5,000, imprisoned not more than one year, or both.

Subd. 3. A supplier who fails to comply with the provisions of section 144.385, or disseminates false or misleading information relating to the notice required in section 144.385, is subject to the penalties described in subdivision 2.

Subd. 4. In addition to other remedies, the commissioner may institute an action to enjoin further violations of sections 144.381 to 144.385.

[ 1977 c 66 s 6; 1977 c 305 s 45 ]

**144.387 COSTS.** If the state prevails in any civil action under section 144.386, the court may award reasonable costs and expenses to the state.

[ 1977 c 66 s 7 ]

**144.388 EXPIRATION.** The provisions of sections 144.381 to 144.387 shall expire 30 days after the conclusion of any fiscal year in which the federal government pays for less than 40 percent of the cost of administering sections 144.381 to 144.387.

[ 1977 c 66 s 8 ]

**144.39** [ Repealed, 1967 c 882 s 11 ]

**144.40** [ Repealed, 1967 c 882 s 11 ]

**144.41** [ Repealed, 1967 c 882 s 11 ]

#### SMOKING IN PUBLIC PLACES

**144.411 CITATION.** Sections 144.411 to 144.417 may be cited as the Minnesota clean indoor air act.

[ 1975 c 211 s 1 ]

**144.412 PUBLIC POLICY.** The purpose of sections 144.411 to 144.417 is to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas.

[ 1975 c 211 s 2 ]

**144.413 DEFINITIONS.** Subdivision 1. As used in sections 144.411 to 144.416, the terms defined in this section have the meanings given them.

Subd. 2. "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational

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facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

Subd. 3. "Public meeting" includes all meetings open to the public pursuant to section 471.705, subdivision 1.

Subd. 4. "Smoking" includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

[ 1975 c 211 s 3 ]

**144.414 PROHIBITIONS.** No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to factories, warehouses and similar places of work not usually frequented by the general public, except that the department of labor and industry shall, in consultation with the state commissioner of health, establish rules to restrict or prohibit smoking in those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of nonsmoking employees.

[ 1975 c 211 s 4; 1977 c 305 s 45 ]

**144.415 DESIGNATION OF SMOKING AREAS.** Smoking areas may be designated by proprietors or other persons in charge of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a nonsmoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

[ 1975 c 211 s 5 ]

**144.416 RESPONSIBILITIES OF PROPRIETORS.** The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in the public place by

(a) posting appropriate signs;

(b) arranging seating to provide a smoke-free area;

(c) asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke; or

(d) any other means which may be appropriate.

[ 1975 c 211 s 6 ]

**144.417 COMMISSIONER OF HEALTH, ENFORCEMENT, PENALTIES.** Subdivision 1. **Rules and regulations.** The state commissioner of health shall adopt rules and regulations necessary and reasonable to implement the provisions of sections 144.411 to 144.417, except as provided for in section 144.414.

The state commissioner of health may, upon request, waive the provisions of sections 144.411 to 144.417 if he determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers.

Subd. 2. **Penalties.** Any person who violates section 144.414 is guilty of a petty misdemeanor.

Subd. 3. **Injunction.** The state commissioner of health, a local board of health, or any affected party may institute an action in any court with jurisdiction to enjoin

repeated violations of section 144.416.

[ 1975 c 211 s 7; 1977 c 305 s 45 ]

#### TUBERCULOSIS

**144.42 PHYSICIANS TO REPORT.** Subdivision 1. When any physician has a person under his treatment for tuberculosis he shall report to the state commissioner of health, on forms furnished by the commissioner, full particulars as to such person, within seven days after the date on which the diagnosis is made.

Subd. 2. If any municipality requires that any physician therein report any person under his treatment for tuberculosis to the board of health of the municipality, the local board shall make a report to the state commissioner of health, on forms furnished by the state commissioner, not later than the fifth day of each month showing full particulars of such reports made during the preceding month.

[ 1913 c 434 s 1; 1949 c 471 s 1; 1977 c 305 s 45 ] (5381)

**144.421 TUBERCULOSIS CONTROL UNIT.** The state commissioner of health shall hereby carry out the duties imposed under Minnesota Statutes 1969, Section 251.10 which heretofore have been duties of the commissioner of public welfare.

[ 1971 c 961 s 25; 1977 c 305 s 45 ]

**144.422 TUBERCULOSIS SUSPECTS.** Subdivision 1. **Patient defined.** The word "patient" as used in subdivisions 1 to 7, means any person suspected of being afflicted with tuberculosis in the infectious stage.

Subd. 2. **Reports of suspects.** Any health officer who has information that a patient does by his conduct or mode of living, endanger the health and well-being of his family or other persons, may make a report thereof to the county board of the county in which such patient resides or is found. The report shall state the name and address of the patient and a summary of the health officer's information. If upon the examination of said report the county board shall have reasonable cause to believe that the patient is infected with tuberculosis in the infectious stage and does by his conduct or mode of living, endanger the health and well-being of his family or other persons it shall so find, and may by resolution direct that the patient be committed to the tuberculosis sanatorium or public hospital designated in the resolution where he shall remain until discharged by the superintendent or chief medical officer of the institution. A copy of said resolution shall be served upon the patient in the manner of service of a summons in a civil action. If the patient refuses to enter such institution, a copy of said resolution with such findings and with proof of the service aforesaid, certified to by the county auditor, shall be filed with the clerk of the district court of the county in which such proceedings were had, and upon presentation thereof to a judge of said court, such judge shall order the sheriff or other person to apprehend the patient and deliver him to the superintendent or chief medical officer of the institution designated in the resolution.

Subd. 3. **Health officer party to proceedings; appeals.** The health officer making the report referred to in subdivision 2, and his successor in office, shall be deemed a party to all proceedings had in connection therewith. Any party aggrieved by the resolution of the county board in committing or refusing to commit the patient, may appeal therefrom to said district court. If an appeal is taken by the health officer, the notice of appeal shall be served upon the patient and filed with the county auditor with proof of such service, within 20 days after the adoption of said resolution. If an appeal is taken by the patient, the notice of appeal shall be filed with the county auditor within 20 days after the service of a copy of said resolution as provided for in subdivision 2, but such appeal shall not stay the commitment unless a stay is granted by order of court.

Subd. 4. **Papers filed with clerk of district court.** Within five days after receipt of the notice of appeal, the county auditor shall certify and file with the clerk of said court a copy of the health officer's report, a transcript of the proceedings had by the county board thereon, and a copy of the notice of appeal showing the date of the filing of same in his office, together with the required proofs of service.

Subd. 5. **Hearing appeal; determination.** Upon three days notice to the adverse party the court shall set a date for hearing the appeal, which hearing may be had at any general or special term of court, or by the court in chambers; and the court may, if it deems advisable, appoint three duly licensed doctors of medicine as a board to ex-

amine the patient to determine whether or not he is afflicted with tuberculosis in the infectious stage. The patient shall be entitled to have his physician present at the time of the examination. The board so appointed shall examine the patient at the time and place designated by the court and shall make a written report of its findings. If said findings are positive, at least one of such examiners shall appear at the hearing and give testimony. The court shall summarily hear and determine said appeal, and at the trial thereof all technicalities and matters of form not affecting substantial merits shall be disregarded.

**Subd. 6. Findings, commitment.** If the patient be found to be afflicted with tuberculosis in the infectious stage and the court shall find that the patient does by his conduct or mode of living, endanger the health and well-being of his family or other persons, and finds and determines it to be for the best interests of the patient, his family or the public, the court shall issue to the sheriff a warrant, in duplicate, committing the patient to the custody of the superintendent of the tuberculosis sanatorium or public hospital named in its findings and determination, where the patient shall remain until discharged therefrom by said superintendent or chief medical officer when his discharge will not endanger the health of any other person, or by the court upon petition of the patient. The court may, upon consent of the commissioner of public welfare, order the patient confined at the tuberculosis unit at Anoka State Hospital or at such other tuberculosis unit as the commissioner may designate until such time as the commissioner determines he may be safely cared for at the sanatorium or hospital named in the court's findings or may be discharged. The commissioner of public welfare may transfer such patient to such sanatorium or hospital, and at any time prior to his discharge the commissioner, upon request of the superintendent of such sanatorium or the officer in charge of such hospital, may return the patient to such unit.

**Subd. 7. Health officer may petition for commitment.** Any health officer who has the information referred to in subdivision 2, may, in the first instance, file in the district court of the county in which the patient resides or is found a petition for commitment of the patient to a tuberculosis sanatorium or public hospital, setting forth the name and address of the patient and the reasons for the petition. Upon filing such petition proceedings shall be had thereon as provided for in subdivisions 5 and 6. In such cases reference in those subdivisions to "adverse party" shall be understood as referring to the patient, and reference to "appeal" as referring to the petition.

**Subd. 8. County attorney as attorney for health officer.** In all proceedings had under the provisions of subdivisions 3 to 7, the county attorney shall be the attorney for the health officer.

**Subd. 9. Expenses and cost, payment.** The expense of the proceedings had under the provisions of subdivisions 1 to 7, and the cost of the care, treatment and maintenance furnished to such committed person, is a charge against the county of his residence. If such person resided in the state throughout the year preceding his commitment under the provisions of said subdivisions, exclusive of the time spent in a hospital or sanatorium, but did not reside continuously in any one county during said time, then the cost of his care, treatment and maintenance shall be paid by the county in which he longest resided during the year preceding his commitment hereunder. If such person did not reside in the state throughout the year preceding his commitment, exclusive of the time spent in a hospital or sanatorium, then his care, treatment and maintenance shall be provided by the state of Minnesota at the Glen Lake Sanatorium or if committed by the district court at the tuberculosis unit at Anoka State Hospital, or at such other tuberculosis unit as the commissioner may designate, 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 commitment 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 commitment. The commissioner of public welfare shall pay out of aid to county sanatoria funds, aid in the maintenance of each committed patient treated in any public sanatorium at the expense of any county and aid for surgery to effect treatment of tuberculosis of a committed patient who is a nonresident of the county or group of counties maintaining the sanatorium, the amounts authorized by provisions of sections 376.31 and 376.33, as amended. Any question arising between counties as to the place of residence of a committed person shall be determined in accord with the provisions of section 376.18.

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Subd. 10. **Liability of patient for expenses and cost.** Any patient committed under the provisions of subdivisions 1 to 7, who at the time of his commitment has financial ability to pay, or who prior to his discharge shall become financially able to pay, shall be liable for the cost of his care, treatment and maintenance to the county paying the same, or to the commissioner of public welfare, as the case may be.

[ 1951 c 314 s 1-5; 1955 c 479 s 1; 1957 c 317 s 1; 1957 c 654 s 1; 1963 c 703 s 1; 1967 c 34 s 1,2 ]

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads: "Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

**144.423** [ Repealed, 1951 c 314 s 8 ]

**144.424 REGULATIONS; VIOLATIONS; RELEASE.** Subdivision 1. [ Repealed, 1951 c 314 s 8 ]

Subd. 2. [ Repealed, 1951 c 314 s 8 ]

Subd. 3. [ Repealed, 1951 c 314 s 8 ]

Subd. 4. [ Repealed, 1951 c 314 s 8 ]

Subd. 5. [ Repealed, 1951 c 314 s 8 ]

Subd. 6. [ Repealed, 1951 c 314 s 8 ]

Subd. 7. [ Repealed, 1951 c 314 s 8 ]

Subd. 8. Any person entering any public sanatorium or hospital for tuberculous care and treatment under the provisions of any law of this state, shall observe all regulations of the sanatorium or hospital. When any person fails to obey such regulations, he may be placed and confined in quarters apart from the other patients. Any person admitted upon application to the state sanatorium or to any county sanatorium or hospital under the provisions of Minnesota Statutes 1949, Section 251.02 or Sections 376.33 and 376.34, who is afflicted with tuberculosis in the infectious stage, and who repeatedly violates such regulations or attempts or threatens to leave the institution without the consent of the superintendent or chief medical officer thereof, may be restrained by reasonable force, if necessary, and thereupon, said superintendent or chief medical officer may institute proceedings to commit such person as a public health menace under the provisions of section 144.422, subdivisions 1 to 7. In such cases the said superintendent and the said chief medical officer shall have all the powers of sections 144.422, 144.424 and 144.425 vested in health officers.

Subd. 9. Any person who is confined to any sanatorium or hospital for tuberculous care and treatment, whether committed under the provisions of section 144.422, subdivisions 1 to 7, or entering the same voluntarily, and who is refused discharge upon written demand therefor to superintendent or chief medical officer thereof, may petition the district court of the county in which such institution is located for an order directing his release, and if it shall appear to the court after a trial on the merits that said patient is not afflicted with tuberculosis in the infectious stage and has progressed in the cure of the disease with which he is afflicted to a point where if he is released he will not endanger the health and well-being of his family or other persons, the court may direct his release. Such petition shall not be renewed oftener than once every six months.

Subd. 10. The county sanatorium commission or other governing body in charge of such sanatorium shall adopt regulations governing the conduct of patients in the institution under its control. Such regulations shall be approved by the commissioner of public welfare and permanently posted in the main corridor on each floor of such institution, and a printed copy furnished to each patient. The commissioner of public welfare shall adopt, and likewise promulgate, regulations governing the conduct of the patients at the state sanatorium.

Subd. 11. If any person committed under the provisions of section 144.422, subdivisions 1 to 7, willfully violates any regulation adopted pursuant to subdivision 10 of this section, or leaves a sanatorium or hospital without consent of the superintendent or officer in charge thereof, the superintendent of the sanatorium or the chief medical officer of the hospital may file an affidavit with the committing court setting forth such facts. Upon such notice and hearing as the court may order and upon consent of the commissioner of public welfare, the court may amend its commitment and order

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such person to be confined in the tuberculosis unit at Anoka State Hospital or at such other tuberculosis unit as the commissioner may designate, as provided by section 144.422, subdivision 6.

[ 1949 c 471 s 3; 1951 c 314 s 6; 1957 c 317 s 2,3; 1967 c 34 s 3 ]

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county reads: "Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

**144.425 PATIENTS; FACILITIES, TRANSFER.** The commissioner of public welfare is hereby authorized and directed to provide adequate facilities at one of the state institutions under his control where proper care can be provided and where proper precautions can be taken to detain and safely keep any person committed thereto under the provisions of sections 144.422 or 144.424. When it is deemed necessary or desirable, any such person may be transferred from another institution to the institution providing such facilities with the approval of the commissioner of public welfare. The commissioner of public welfare shall establish the rates to be charged for care and treatment at such facilities. Where the patient is committed or transferred to such facility from the state sanatorium or a county sanatorium, the cost of his transportation to and from the facility and his care and treatment therein shall be paid as provided in section 144.422, subdivision 9, provided such costs may be paid from the county sanatorium fund of the county of his residence.

Where it is deemed necessary or desirable, the commissioner of corrections, with the consent of the commissioner of public welfare, may authorize the transfer of any inmate afflicted with tuberculosis from any of the state penal institutions under his control and management to said tuberculosis detention facility to be held until his disease is arrested or his sentence expires whereupon he shall be returned to the institution from which he came unless his sentence to such institution shall have expired. The state hospital receiving such patients from the state penal institutions shall make no charge for such care.

[ 1949 c 471 s 4; 1951 c 314 s 7; 1955 c 780 s 1; 1957 c 317 s 4; 1961 c 750 s 1; 1963 c 703 s 2; 1967 c 34 s 4 ]

**144.426** [ Repealed, 1951 c 314 s 8 ]

**144.427 SPUTUM, SALIVA.** It is a nuisance for any person having tuberculosis to dispose of his sputum, saliva, or other secretion or excretion in a manner that the health or well-being of any other person is endangered. When complaint is made to the board of health of the municipality or the county board of the county in which such acts are committed, the board receiving such complaint shall investigate and, if the nuisance is such as to be dangerous, shall serve a notice upon the person so complained of requiring him to dispose of his sputum, saliva, or other bodily secretion or excretion in a manner as to remove all such danger.

[ 1949 c 471 s 6 ]

**144.428 HOUSEHOLD SAFEGUARDS.** Any physician attending a person having tuberculosis shall give proper instructions to the patient and members of his household on methods and procedures to safeguard the health and well-being of the members of said household as recommended by the state commissioner of health.

[ 1949 c 471 s 7; 1977 c 305 s 45 ]

**144.429 REPORTS OF ATTENDING PHYSICIANS; FILED.** The attending physician of any person having tuberculosis, when arrested condition is had, as defined by the state commissioner of health, shall report that fact to the local board of health and the board shall file such report in the records of its office.

[ 1949 c 471 s 8; 1977 c 305 s 45 ]

**144.43 TUBERCULOSIS IN INSTITUTIONS.** It is unlawful for any inmate known to be afflicted with tuberculosis in the infectious stage to be cared for in a penal or charitable institution in the same room or ward with other inmates not themselves afflicted with tuberculosis.

[ 1913 c 434 s 2; 1949 c 471 s 9 ] (5382)

**144.44** [ Renumbered 144.423 ]

**144.45 TUBERCULOSIS IN SCHOOLS; CERTIFICATE.** No teacher, pupil, or employee about a school building who is afflicted with tuberculosis shall remain in or about such building unless he has a certificate issued by the local board of health stating that he does not endanger the health of other persons by his presence in such building.

[ 1913 c 434 s 4; 1949 c 471 s 10 ] (5384)

NOTE: See also section 123.69.

**144.46 DISINFECTING OF PREMISES.** Subdivision 1. Within 24 hours after any apartment or premises are vacated by reason of the death, or the removal of a person having tuberculosis, person or physician in charge shall notify the local board of health thereof. The apartment or premises shall not again be occupied until renovated and disinfected as provided in subdivision 2.

Subd. 2. Upon receipt of such notice of vacation, the local board of health shall forthwith order the apartment or premises and all infected articles therein effectively renovated and disinfected as recommended by the state commissioner of health. If the apartment or premises are not occupied after such death or removal, the local board of health shall serve written notice upon the owner, of the apartment or premises or his agent requiring the apartment or premises to be renovated or disinfected in accordance with the regulations of the commissioner.

[ 1913 c 434 s 5; 1949 c 471 s 11; 1977 c 305 s 45 ] (5385)

**144.47 PLACARD POSTED ON INFECTED PREMISES.** If any apartment or premises so vacated are not effectively renovated and disinfected within 36 hours after the order or direction of the board of health is given to the owner or his agent the board shall place a placard upon the door of the infected apartment or premises, which placard shall read:

"NOTICE

TUBERCULOSIS IS A COMMUNICABLE DISEASE. THESE APARTMENTS HAVE BEEN OCCUPIED BY A CONSUMPTIVE AND MAY BE INFECTED. THEY MUST NOT BE OCCUPIED UNTIL THE ORDER OF THE HEALTH OFFICER DIRECTING THEIR RENOVATION AND DISINFECTION HAS BEEN COMPLIED WITH. THIS NOTICE MUST NOT BE REMOVED UNDER A PENALTY OF LAW, EXCEPT BY THE HEALTH OFFICER OR AN AUTHORIZED OFFICER."

[ 1913 c 434 s 6; 1949 c 471 s 12 ] (5386)

**144.471 LOCAL BOARD OF HEALTH; DUTIES.** When any person having tuberculosis is not attended by any physician or when the physician attending any such person fails to perform any duty required of him by any provision of sections 144.42 and 144.424 to 144.47, the duties required to be so performed by any such physician shall be performed by the local board of health.

[ 1949 c 471 s 13 ]

**144.48** [ Renumbered 144.427 ]

**144.49 VIOLATIONS; PENALTIES.** Subdivision 1. Any person violating any regulation of the commissioner or any lawful direction of a board of health or a health officer is guilty of a misdemeanor.

Subd. 2. Any person who wilfully makes or alters any certificate or certified copy thereof provided for in sections 144.151 to 144.204, except in accordance with the provisions of such sections, upon conviction, shall be punished by a fine of not more than \$1,000, or by imprisonment for not to exceed six months, or by both such fine and imprisonment.

Subd. 3. Any person who knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit issued in accordance with the provisions of sections 144.151 to 144.204, upon conviction, shall be fined not more than \$500.

Subd. 4. Unless a different penalty is provided in this section, any person violating any provision of sections 144.151 to 144.204, or any regulation of the commissioner, or who refuses to perform any duty imposed upon him by such sections or by any regulation of the commissioner is guilty of a misdemeanor.

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Subd. 5. Any person violating any of the provisions of sections 144.42 and 144.424 to 144.47 is guilty of a misdemeanor.

Subd. 6. Any person, partnership, association, or corporation establishing, conducting, managing, or operating any hospital, sanatorium, or other institution in accordance with the provisions of sections 144.50 to 144.56, without first obtaining a license therefor is guilty of a misdemeanor.

Subd. 7. Any person, partnership, association, or corporation which establishes, conducts, manages or operates any hospital, sanatorium or other institution required to be licensed under sections 144.50 to 144.56, in violation of any provision of sections 144.50 to 144.56 or any regulation established thereunder, is guilty of a misdemeanor.

Subd. 8. Any person lawfully engaged in the practice of healing who wilfully makes any false statement in any report required to be made by him pursuant to sections 144.42 and 144.424 to 144.47 or who certifies falsely as to any precautions taken or instructions given to safeguard the health and well-being of any person pursuant to section 144.427 is guilty of a misdemeanor.

[ *RL s 2132; 1913 c 434 s 8; 1913 c 579; 1917 c 220 s 6; 1939 c 89 s 1; 1941 c 549 s 10; 1943 c 649 s 1; 1945 c 512 s 35,37; 1949 c 471 s 14; 1976 c 173 s 32,33; 1977 c 305 s 45* ] (5346, 5356, 5367, 5388)

## HOSPITALIZATION

**144.50 HOSPITALS, LICENSES; DEFINITIONS.** Subdivision 1. No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, operate, conduct, or maintain in the state any hospital, sanatorium or other institution for the hospitalization or care of human beings without first obtaining a license therefor in the manner provided by law.

Subd. 2. Hospital, sanatorium or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, in which any accommodation is maintained, furnished, or offered for: the hospitalization of the sick or injured; elective outpatient surgery for preexamined, prediagnosed low risk patients; emergency medical services offered 24 hours a day, seven days a week, in an ambulatory or outpatient setting in a facility not a part of a licensed hospital; or the institutional care of human beings. Nothing in sections 144.50 to 144.56 shall apply to a clinic, a physician's office or to hotels or other similar places that furnish only board and room, or either, to their guests.

Subd. 3. "Hospitalization" means the reception and care of persons for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of such persons.

Subd. 4. The term "hospital" includes the term "sanatorium" unless the context clearly indicates otherwise.

Subd. 5. Nothing in sections 144.50 to 144.56 shall authorize any person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, to engage, in any manner, in the practice of healing, or the practice of medicine, as defined by law.

[ *1941 c 549 s 1; 1943 c 649 s 1; 1951 c 304 s 1; 1969 c 358 s 1; 1976 c 173 s 34; 1977 c 218 s 1* ]

**144.51 LICENSE APPLICATIONS.** Before a license shall be issued under sections 144.50 to 144.56, the person applying shall submit evidence satisfactory to the state commissioner of health that he is not less than 18 years of age and of reputable and responsible character; in the event the applicant is an association or corporation or governmental unit like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the provisions of sections 144.50 to 144.56 and all rules, regulations, and minimum standards adopted thereunder.

[ *1941 c 549 s 2; 1943 c 649 s 2; 1951 c 304 s 2; 1973 c 725 s 7; 1976 c 173 s 35; 1977 c 305 s 45* ]

**144.52 APPLICATION.** Any person, partnership, association, or corporation, including state, county, or local governmental units, or any division, department, board,

or agency thereof, desiring a license under sections 144.50 to 144.56 shall file with the state commissioner of health a verified application containing the name of the applicant desiring said license; whether such persons so applying are 18 years of age; the type of institution to be operated; the location thereof; the name of the person in charge thereof, and such other information pertinent thereto as the state commissioner of health by regulation may require. Application on behalf of a corporation or association or other governmental unit shall be made by any two officers thereof or by its managing agents.

[ 1941 c 549 s 3; 1943 c 649 s 3; 1951 c 304 s 3; 1973 c 725 s 8; 1977 c 305 s 45 ]

**144.53 FEES.** Each application for a license, or renewal thereof, to operate a hospital, sanatorium or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56, except applications by the Minnesota veterans home, the commissioner of public welfare for the licensing of state institutions or by the administrator for the licensing of the university of Minnesota hospitals, shall be accompanied by a fee to be prescribed by the state commissioner of health pursuant to section 144.122. No fee shall be refunded. Licenses shall expire and shall be renewed as prescribed by the commissioner of health pursuant to section 144.122.

No license granted hereunder shall be assignable or transferable.

[ 1941 c 549 s 4; 1945 c 192 s 1; 1951 c 304 s 4; 1959 c 466 s 1; 1974 c 471 s 3; 1975 c 63 s 1; 1975 c 310 s 5; 1976 c 173 s 36; 1976 c 239 s 69; 1977 c 305 s 45 ]

**144.54 INSPECTIONS.** Every building, institution, or establishment for which a license has been issued shall be periodically inspected by a duly appointed representative of the state commissioner of health under the rules and regulations to be established by the state commissioner of health. No institution of any kind licensed pursuant to the provisions of sections 144.50 to 144.56 shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, lodging houses, boarding houses, and places of refreshment.

[ 1941 c 549 s 5; 1951 c 304 s 5; 1977 c 305 s 45 ]

**144.55 LICENSES; ISSUANCE, SUSPENSION AND REVOCATION BY STATE COMMISSIONER OF HEALTH.** The state commissioner of health is hereby authorized to issue licenses to operate hospitals, sanatoriums or other institutions for the hospitalization or care of human beings, which after inspection are found to comply with the provisions of sections 144.50 to 144.56 and any reasonable regulations adopted by the state commissioner of health. All decisions of the state commissioner of health thereunder may be reviewed in the district court in the county in which the institution is located or contemplated.

The state commissioner of health may refuse to grant, refuse to renew, or may suspend or revoke a license on any of the following grounds:

- (1) Violation of any of the provisions of sections 144.50 to 144.56 or the rules, regulations, or standards issued pursuant thereto;
- (2) Permitting, aiding, or abetting the commission of any illegal act in the institution;
- (3) Conduct or practices detrimental to the welfare of the patient; or
- (4) Obtaining, or attempting to obtain a license by fraudulent means or misrepresentation.

Before any license issued thereunder is suspended, or revoked, or its renewal refused, 30 days written notice shall be given the holder thereof of the date set for hearing of the complaint. The holder of the license shall be furnished with a copy of the complaint and be entitled to be represented by legal counsel at the hearing. The notice may be given by the state commissioner of health by certified mail. The commissioner may appoint, in writing, any competent person to preside at the hearing who shall take testimony, administer oaths, issue subpoenas, and compel the attendance of witnesses and transmit the record of the hearing to the commissioner. The decision of the commissioner shall be based on the testimony and records.

If a license is revoked as herein provided a new application for license may be considered by the state commissioner of health if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection

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has been made and all provisions of sections 144.50 to 144.56 and rules promulgated thereunder have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the state commissioner of health.

[ 1941 c 549 s 6; 1951 c 304 s 6; 1976 c 173 s 37; 1977 c 305 s 45; 1978 c 674 s 60 ]

**144.56 STANDARDS.** Subdivision 1. The state commissioner of health shall, in the manner prescribed by law, adopt and enforce reasonable rules, regulations, and standards under sections 144.50 to 144.56 which he finds to be necessary and in the public interests and may rescind or modify them from time to time as may be in the public interest, insofar as such action is not in conflict with any provision thereof.

Subd. 2. In the public interest the commissioner of health, by such rules, regulations, and standards, may regulate and establish minimum standards as to the construction, equipment, maintenance, and operation of the institutions insofar as they relate to sanitation and safety of the buildings and to the health, treatment, comfort, safety, and well-being of the persons accommodated for care. Construction as used in this subdivision means the erection of new buildings or the alterations of or additions to existing buildings commenced after the passage of this act.

Subd. 3. The commissioner of health shall, with the advice of the commissioner of public welfare, prescribe such general regulations and rules for the conduct of all institutions receiving maternity patients as shall be necessary to effect the purposes of all laws of the state relating to maternity patients and newborn infants so far as the same are applicable.

Subd. 4. The commissioner of health may classify the institutions licensed under sections 144.50 to 144.56 on the basis of the type of care provided and may prescribe separate rules, regulations, and minimum standards for each class.

[ 1941 c 549 s 7; 1943 c 649 s 7; 1951 c 304 s 7; 1977 c 305 s 45 ]

**144.57** [ Repealed, 1951 c 304 s 8 ]

**144.571 ADVISORY COUNCIL.** An advisory council of nine members shall be appointed in the following manner to make recommendations to the state commissioner of health and to assist in the establishment and amendment of rules and standards authorized by sections 144.50 to 144.58. This council shall consist of four members to be appointed annually from the membership of the Minnesota hospital association by the board of trustees thereof, one of whom shall be the superintendent of a hospital operated by a county or other local governmental unit. Two members shall be doctors of medicine appointed annually from the Minnesota state medical association by the council of the Minnesota state medical association. The commissioner of public welfare, or a person from the department of public welfare designated by him, shall be a member of the council, and the commissioner of public welfare shall designate a member who will represent the Minnesota county welfare boards. The ninth member of the council shall be a public member as defined in section 214.02, and shall be appointed by the governor to serve at his pleasure.

[ 1951 c 304 s 9; 1975 c 234 s 1; 1976 c 173 s 38; 1977 c 305 s 45 ]

**144.572 INSTITUTIONS EXCEPTED.** No regulation nor requirement shall be made, nor standard established under sections 144.50 to 144.56 for any sanatorium, conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.

[ 1951 c 304 s 10; 1976 c 173 s 39 ]

**144.58 INFORMATION, CONFIDENTIAL.** Information of a confidential nature received by the state commissioner of health through inspections and authorized under sections 144.50 to 144.56 shall not be disclosed except in a proceeding involving the question of licensure.

[ 1941 c 549 s 9; 1951 c 304 s 11; 1977 c 305 s 45 ]

**144.583** [ Repealed, 1973 c 139 s 2 ]

**144.584** [ Repealed, 1976 c 173 s 64 ]

**144.59 HOSPITAL HEADS TO REGISTER.** No person shall act as an administrator of a hospital licensed under sections 144.50 to 144.56, inclusive, without first

registering with the state commissioner of health in the manner hereinafter provided.

[ 1947 c 240 s 1; 1961 c 197 s 1; 1977 c 305 s 45 ]

**144.60 REGISTRATION PROCEDURE.** Subdivision 1. The applicant for registration shall make a verified application therefor on a form furnished by the state commissioner of health. Such application shall be accompanied by affidavits from at least two reputable residents of the county in which the applicant resides or proposes to act as such administrative head, certifying that the applicant is of good moral character. Such application shall be accompanied by a fee in an amount prescribed by the state commissioner of health pursuant to section 144.122. No person shall be granted any such registration unless such person be at least 18 years of age, of good moral character and has had at least two years experience in an administrative position, and in a hospital of such size as the state commissioner of health may prescribe, in this state, or one of equal standing in another state, or has successfully completed one year of formal training in an approved course in hospital administration, together with an internship if the particular course requires. Where the experience is gained in an institution of a size smaller than that for which registration is sought, the commissioner may require such additional experience as it may prescribe. Where the administrative experience of the applicant has not been acquired in a hospital, and the state commissioner of health upon investigation approves the applicant's qualifications, the state commissioner of health may issue a license to any applicant employed in a hospital of 25 beds or fewer for a probationary period not to exceed two years.

Subd. 2. Every person who, on the date Laws 1949, Chapter 93, takes effect, is actually engaged as superintendent or administrative head of a hospital or sanatorium in this state, shall be granted registration by the state commissioner of health, provided, however, that on or before October 1, 1949, every such person shall apply to the said commissioner for such registration, accompanying such application with sufficient and satisfactory proof that such applicant was on said date actually engaged as such superintendent or administrative head and a fee in an amount prescribed by the state commissioner of health pursuant to section 144.122.

Subd. 3. Every person who on the date this section takes effect is actually engaged as the administrative head of a hospital in this state, shall be granted registration by the state commissioner of health, provided, however, that on or before October 1, 1961, every such person shall apply to the commissioner for such registration, accompanying such application with a fee in an amount prescribed by the state commissioner of health pursuant to section 144.122 and sufficient and satisfactory proof that the applicant was on the above mentioned date actually engaged as the administrative head.

[ 1947 c 240 s 2; 1949 c 93 s 1; 1961 c 197 s 2,3; 1969 c 684 s 1; 1973 c 725 s 9; 1974 c 471 s 4,5; 1977 c 305 s 45 ]

**144.61 ANNUAL REGISTRATION.** Every such person so registered with the state commissioner of health shall register with the commissioner on dates specified by the commissioner and pay a registration fee in an amount prescribed by the commissioner pursuant to section 144.122. All fees received under sections 144.59 to 144.65 shall be deposited by the state commissioner of health to the credit of the general fund in the state treasury. The expenses of the state commissioner of health in carrying out the provisions of sections 144.59 to 144.65 shall be paid out of the appropriations made to the state commissioner of health.

[ 1947 c 240 s 3; 1959 c 602 s 1; 1974 c 471 s 6; 1975 c 204 s 75; 1977 c 305 s 45 ]

**144.62 GROUNDS FOR REFUSAL.** The state commissioner of health may refuse to grant registration, to renew registration, or may suspend or revoke registration of any registrant for the following:

- (1) The obtaining of or attempting to obtain registration by fraud or deceit.
- (2) Conviction of a crime involving moral turpitude.
- (3) Habitual indulgence in the use of narcotic drugs.
- (4) Conduct unbecoming a person registered under sections 144.59 to 144.65 or detrimental to the best interests of the public.

Before any such registration is suspended or revoked, 30 days written notice shall be given the registrant of the date set for hearing of the charges. The registrant shall be furnished with a copy of the charges and shall be entitled to be represented

by legal counsel at such hearing. Such notice may be given by certified mail. Any action of the commissioner in refusing to grant or renew registration or in suspending or revoking registration, may be reviewed by a writ of certiorari issued by the district court.

[ 1947 c 240 s 4; 1977 c 305 s 45; 1978 c 674 s 60 ]

**144.63 RULES AND REGULATIONS; ADVISORY COUNCIL.** Subdivision 1.

The state commissioner of health shall have the power to adopt such rules and regulations as he finds to be necessary to carry into effect the provisions of sections 144.59 to 144.65 and may rescind, modify or revise such rules and regulations, from time to time, insofar as such action is not in conflict with the provisions of sections 144.59 to 144.65.

Subd. 2. An advisory council of six members shall be appointed in the following manner to make recommendations to the state commissioner of health concerning the establishment and amendment of rules authorized by sections 144.59 to 144.65. This council shall consist of three members to be appointed annually from the membership of the Minnesota Hospital Association by the board of trustees thereof. One of these three members shall be a hospital administrator of a hospital located outside of a city of the first class; one of these three members shall be a hospital administrator of a state, county or municipal hospital; and one of these three members shall be a hospital administrator selected at large. One member of the council shall be the director of the course of hospital administration at the University of Minnesota or his designated representative. One member of the council shall be a duly licensed and registered doctor of medicine to be appointed annually from the Minnesota State Medical Association by the council thereof. One member shall be a public member as defined in section 214.02, and shall be appointed by the governor to serve at his pleasure.

[ 1947 c 240 s 5; 1976 c 173 s 40; 1976 c 239 s 70; 1977 c 305 s 45 ]

**144.64 EXCEPTIONS.** Nothing in sections 144.59 to 144.65 shall be construed as requiring the registration of a duly licensed and registered doctor of medicine who operates a licensed hospital or sanatorium, owned by him, in this state.

[ 1947 c 240 s 6 ]

**144.65 VIOLATIONS; PENALTIES.** Any person violating any of the provisions of sections 144.59 to 144.65 shall be guilty of a misdemeanor.

[ 1947 c 240 s 7 ]

**144.651 PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES; BILL OF RIGHTS.** It is the intent of the legislature and the purpose of this section to promote the interests and well being of the patients and residents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. Any guardian or conservator of a patient or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a patient or resident. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.

For the purposes of this section, "patient" means a person who is admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. "Resident" means a person who is admitted to a non-acute care facility including extended care facilities, nursing homes, and board and care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age. It is declared to be the public policy of this state that the interests of each patient and resident be protected by a declaration of a patients' bill of rights which shall include but not be limited to the following:

(1) Every patient and resident shall have the right to considerate and respectful care;

(2) Every patient and resident can reasonably expect to obtain from his physician or the resident physician of the facility complete and current information concerning his diagnosis, treatment and prognosis in terms and language the patient can reasonably be expected to understand. In cases in which it is not medically advisable

to give the information to the patient or resident the information may be made available to the appropriate person in his behalf;

(3) Every patient and resident shall have the right to know by name and specialty, if any, the physician responsible for coordination of his care;

(4) Every patient and resident shall have the right to every consideration of his privacy and individuality as it relates to his social, religious, and psychological well being;

(5) Every patient and resident shall have the right to respectfulness and privacy as it relates to his medical care program. Case discussion, consultation, examination, and treatment are confidential and should be conducted discreetly;

(6) Every patient and resident shall have the right to expect the facility to make a reasonable response to his requests;

(7) Every patient and resident shall have the right to obtain information as to any relationship of the facility to other health care and related institutions insofar as his care is concerned;

(8) Every patient and resident shall have the right to expect reasonable continuity of care which shall include but not be limited to what appointment times and physicians are available;

(9) Every resident shall be fully informed, prior to or at the time of admission and during his stay, of services available in the facility, and of related charges including any charges for services not covered under medicare or medicaid or not covered by the facility's basic per diem rate;

(10) Every patient and resident shall be afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research;

(11) No resident shall be arbitrarily transferred or discharged but may be transferred or discharged only for medical reasons, for his or other residents' welfare, or for nonpayment for stay unless prohibited by the welfare programs paying for the care of the resident, as documented in the medical record. Reasonable advance notice of any transfer or discharge must be given to a resident;

(12) Every resident may manage his personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on his behalf if he delegates this responsibility in accordance with the laws of Minnesota to the facility for any period of time;

(13) Every resident shall be encouraged and assisted, throughout his period of stay in a facility, to understand and exercise his rights as a patient and as a citizen, and to this end, he may voice grievances and recommend changes in policies and services to facility staff and outside representatives of his choice, free from restraint, interference, coercion, discrimination or reprisal;

(14) Every resident shall be free from mental and physical abuse, and free from chemical and physical restraints, except in emergencies, or as authorized in writing by his physician for a specified and limited period of time, and when necessary to protect the resident from injury to himself or to others;

(15) Every patient and resident shall be assured confidential treatment of his personal and medical records, and may approve or refuse their release to any individual outside the facility, except as otherwise provided by law or a third party payment contract;

(16) No resident shall be required to perform services for the facility that are not included for therapeutic purposes in his plan of care;

(17) Every resident may associate and communicate privately with persons of his choice, and send and receive his personal mail unopened, unless medically contraindicated and documented by his physician in the medical record;

(18) Every resident may meet with representatives and participate in activities of commercial, religious, and community groups at his discretion; provided, however, that the activities shall not infringe upon the right to privacy of other residents;

(19) Every resident may retain and use his personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients or residents, and unless medically contraindicated and documented by his physician in the medical record;

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(20) Every resident, if married, shall be assured privacy for visits by his or her spouse and if both spouses are residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their physicians in the medical record; and

(21) Every patient or resident shall be fully informed, prior to or at the time of admission and during his stay at a facility, of the rights and responsibilities set forth in this section and of all rules governing patient conduct and responsibilities.

[ 1973 c 688 s 1; 1976 c 274 s 1 ]

## **144.652 POLICY STATEMENT TO PATIENT OR RESIDENT; VIOLATION.**

Subdivision 1. The policy statement contained in section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58, or 144A.02 or any law providing for the licensure of nursing homes. Copies of the policy statement shall be furnished the patient or resident and the patient or resident's guardian or conservator upon admittance to the facility. The policy statement shall include the address and telephone number of the board of medical examiners and/or the name and phone number of the person within the facility to whom inquiries about the medical care received may be directed. The notice shall include a brief statement describing how to file a complaint with the nursing home complaint team of the health department or any division or agency of state government which succeeds it concerning a violation of section 144.651 or any other state statute or rule.

Subd. 2. A substantial violation of the rights of any resident as defined in section 144.651, shall be grounds for issuance of a correction order pursuant to section 144.653 or 144A.10. The issuance of a correction order shall not preclude private action by or on behalf of a resident to enforce his rights.

[ 1973 c 688 s 2; 1976 c 173 s 41; 1976 c 222 s 28; 1976 c 274 s 2; 1977 c 326 s 1 ]

## **144.653 RULES; PERIODIC INSPECTIONS; ENFORCEMENT.** Subdivision 1.

**Rules.** The state commissioner of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under the provisions of sections 144.50 to 144.58. The state commissioner of health shall enforce its rules subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in licensed health care facilities and the responsibility of the commissioner of public welfare pursuant to sections 245.78; 252.28; and 257.081 to 257.123.

Subd. 2. **Periodic inspection.** All facilities required to be licensed under the provisions of sections 144.50 to 144.58 shall be periodically inspected by the state commissioner of health to insure compliance with its rules, regulations and standards. Inspections shall occur at different times throughout the calendar year. The state commissioner of health may enter into agreements with political subdivisions providing for the inspection of such facilities by locally employed inspectors.

Subd. 3. **Enforcement.** With the exception of the department of public safety which has the exclusive jurisdiction to enforce state fire and safety standards, the state commissioner of health is the exclusive state agency charged with the responsibility and duty of inspecting facilities required to be licensed under the provisions of sections 144.50 to 144.58 and enforcing the rules, regulations and standards prescribed by it.

Subd. 4. **Without notice.** One or more unannounced inspections of each facility required to be licensed under the provisions of sections 144.50 to 144.58 shall be made annually.

Subd. 5. **Correction orders.** Whenever a duly authorized representative of the state commissioner of health finds upon inspection of a facility required to be licensed under the provisions of sections 144.50 to 144.58 that the licensee of such facility is not in compliance with an applicable regulation promulgated under the administrative procedures act by the state commissioner of health pursuant to section 144.56, a correction order shall be issued to the licensee. The correction order shall state the deficiency, cite the specific regulation violated, and specify the time allowed for correction.

Subd. 6. **Reinspections; fines.** If upon reinspection it is found that the licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 has not corrected deficiencies specified in the correction order, a notice of noncompliance with a correction order shall be issued stating all deficiencies not corrected. Un-

less a hearing is requested under subdivision 8, the licensee shall forfeit to the state within 15 days after receipt by him of such notice of noncompliance with a correction order up to \$1,000 for each deficiency not corrected. For each subsequent reinspection, the licensee may be fined an additional amount for each deficiency which has not been corrected. All forfeitures shall be paid into the general fund. The commissioner of health shall promulgate by rule and regulation a schedule of fines applicable for each type of uncorrected deficiency.

Subd. 7. **Recovery.** Any unpaid forfeitures may be recovered by the attorney general.

Subd. 8. **Hearings.** A licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 is entitled to a hearing on any notice of noncompliance with a correction order issued to him as a result of a reinspection, provided that he makes a written request therefor within 15 days of receipt by him of the notice of noncompliance with a correction order. Failure to request a hearing shall result in the forfeiture of a penalty as determined by the commissioner of health in accordance with subdivision 6. A request for a hearing shall operate as a stay during the hearing and review process of the payment of any forfeiture provided for in this section. Upon receipt of the request for a hearing, a hearing officer, who shall not be an employee of the state commissioner of health, shall be appointed by the state commissioner of health, and the hearing officer shall promptly schedule a hearing on the matter, giving at least ten days notice of the date, time, and place of the hearing to the licensee. Upon determining that the licensee of a facility required to be licensed under sections 144.50 to 144.58 has not corrected the deficiency specified in the correction order, the hearing officer shall impose a penalty as determined by the commissioner of health in accordance with subdivision 6. The hearing and review thereof shall be in accordance with the relevant provisions of the administrative procedures act.

Subd. 9. **Nonlimiting.** Nothing in this section shall be construed to limit the powers granted to the state commissioner of health in section 144.55.

[ 1973 c 688 s 3; 1975 c 310 s 6,7,37; 1976 c 173 s 42; 1977 c 305 s 45 ]

**144.654 EXPERTS MAY BE EMPLOYED.** The state commissioner of health may employ experts in the field of health care to assist the staffs of facilities required to be licensed under the provisions of sections 144.50 to 144.58, or 144A.02, in programming and providing adequate care of the patients and residents of the facility. Alternate methods of care for patients and residents of the facilities shall be researched by the state commissioner of health using the knowledge and experience of experts employed therefor.

[ 1973 c 688 s 4; 1976 c 173 s 43; 1977 c 305 s 45 ]

**144.655 PROGRAM FOR VOLUNTARY MEDICAL AID.** Licensed physicians may visit a facility required to be licensed under the provisions of sections 144.50 to 144.58, or 144A.02, and examine patients and residents thereof under a program which shall be established by the state commissioner of health and regulated and governed by rules promulgated by the state commissioner of health pursuant to the administrative procedures act. The rules shall protect the privacy of patients and residents of facilities. No patient or resident of any facility shall be required to submit to an examination under the program. The state commissioner of health shall consult with medical schools and other experts for the purpose of establishing the program. The state commissioner of health shall encourage the active participation of all licensed physicians on a voluntary basis in the program.

[ 1973 c 688 s 5; 1976 c 173 s 44; 1977 c 305 s 45 ]

**144.656 EMPLOYEES TO BE COMPENSATED.** All employees of facilities required to be licensed under the provisions of sections 144.50 to 144.58, or 144A.02, participating in orientation programs or in inservice training provided by the facility shall be compensated therefor at their regular rate of pay, provided, however, that this section will be effective only to the extent that facilities are reimbursed for the compensation by the commissioner of public welfare in the proportion of welfare to total residents and patients in the facility.

[ 1973 c 688 s 6; 1976 c 173 s 45 ]

**144.657 VOLUNTEER EFFORTS ENCOURAGED.** The state commissioner of health, through the dissemination of information to appropriate organizations, shall

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encourage citizens to promote improved care in facilities required to be licensed under the provisions of sections 144.50 to 144.58, or 144A.02, throughout the state.

[ 1973 c 688 s 7; 1976 c 173 s 46; 1977 c 305 s 45 ]

**144.66 CANCER STATISTICAL RESEARCH.** The state commissioner of health may establish a cancer statistical research service and may make and amend regulations and furnish forms for collecting, transcribing, compiling, and preserving the information received by the commissioner, pursuant to sections 144.66 to 144.69.

[ 1949 c 350 s 1; 1977 c 305 s 45 ]

**144.67 INFORMATIONAL AND STATISTICAL RESEARCH.** The state commissioner of health shall collect, transcribe, compile, classify, and preserve information received by him, analyze this information, and make studies therefrom showing the incidence of tumors of various types, the procedures in the care of these tumors, and the effectiveness of the different methods of treatment on tumors. The informational and statistical results of these studies shall be available to the physicians and surgeons in the state. A follow-up information service may be made available to assist in completing hospital case records when subsequent data on a tumor case is obtained.

[ 1949 c 350 s 2; 1977 c 305 s 45 ]

**144.68 RECORDS AND REPORTS.** Subdivision 1. **Person practicing healing arts.** Every person licensed to practice the healing arts in any form, upon request of the state commissioner of health, shall prepare and forward to the commissioner, in the manner and at such times as he designates, a detailed record of each case of malignant disease treated or seen by him professionally.

Subd. 2. **Hospitals and similar institutions.** Every hospital, sanatorium, nursing home or other institution for the hospitalization or care of human beings, upon request of the state commissioner of health, shall prepare and forward to the commissioner, in the manner and at the times that he designates, a detailed record of each case of malignant disease having been therein.

Subd. 3. **Information without liability.** The furnishing of the information required under subdivisions 1 and 2 shall not subject the person, hospital, sanatorium, nursing home, or other place furnishing the information, to any action for damages or other relief.

[ 1949 c 350 s 3; 1976 c 173 s 47,48; 1977 c 305 s 45 ]

**144.69 INFORMATION NOT AVAILABLE TO THE PUBLIC.** No such report, or part thereof, nor any copy of the same or part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed, in any manner, by any official or clerk or other employee or person having access thereto, but all such information shall be confidential and may only be used for the purposes set forth in sections 144.66 to 144.69. And any such disclosure other than is provided for in sections 144.66 to 144.69, is hereby declared to be a misdemeanor and punishable as such. No officer or employee of the board shall interview any patient named in any such report, nor a relative of any such patient, unless the consent of the attending physician and surgeon is first obtained.

[ 1949 c 350 s 4 ]

**144.691 GRIEVANCE PROCEDURES.** Subdivision 1. **Facilities.** Every hospital licensed as such pursuant to sections 144.50 to 144.56, and every outpatient surgery center shall establish a grievance or complaint mechanism designed to process and resolve promptly and effectively grievances by patients or their representatives related to billing, inadequacies of treatment, and other factors which may have an impact on the incidence of malpractice claims and suits.

For the purposes of sections 144.691 to 144.693, "outpatient surgery center" shall mean a free standing facility organized for the specific purpose of providing elective outpatient surgery for preexamined prediagnosed low risk patients. Services provided at an outpatient surgery center shall be limited to surgical procedures which utilize local or general anesthesia and which do not require overnight inpatient care. "Outpatient surgery center" does not mean emergency medical services, or physician or dentist offices.

Subd. 2. **Patient notice.** Each patient receiving treatment at a hospital or an outpatient surgery center shall be notified of the grievance or complaint mechanism which is available to him.

Subd. 3. **Rules.** The state commissioner of health shall, by January 1, 1977, establish by rule promulgated pursuant to chapter 15:

- (a) Minimum standards and procedural requirements for grievance and complaint mechanism;
- (b) A list of patient complaints which may be processed through a complaint or grievance mechanism;
- (c) The form and manner in which patient notices shall be made; and
- (d) A schedule of fines, not to exceed \$200 per offense, for the failure of a hospital or outpatient surgery center to comply with the provisions of this section.

Subd. 4. **Reports.** Each hospital and outpatient surgery center, and every health maintenance organization required under section 62D.11 to implement a complaint system, shall at least annually submit to the state commissioner of health a report on the operation of its complaint or grievance mechanism. The frequency, form, and content of each report shall be as prescribed by rule of the state commissioner of health. Data relating to patient records collected by the state commissioner of health pursuant to this section shall be summary data within the meaning of section 15.162, subdivision 9. The state commissioner of health shall collect, analyze and evaluate the data submitted by the hospitals, health maintenance organizations, and outpatient surgery centers; and shall periodically publish reports and studies designed to improve patient complaint and grievance mechanisms.

[ 1976 c 325 s 8; 1977 c 305 s 45 ]

**144.692 IN-SERVICE TRAINING.** The state commissioner of health shall study and publish recommendations for in-service personnel training programs designed to reduce the incidence of malpractice claims and suits against hospitals, outpatient surgery centers and health maintenance organizations regulated under chapter 62D.

[ 1976 c 325 s 9; 1977 c 305 s 45 ]

**144.693 MEDICAL MALPRACTICE CLAIMS; REPORTS.** Subdivision 1. On or before September 1, 1976, and on or before March 1 and September 1 of each year thereafter, each insurer providing professional liability insurance to one or more hospitals, outpatient surgery centers, or health maintenance organizations, shall submit to the state commissioner of health a report listing by facility or organization all claims which have been closed by or filed with the insurer during the period ending December 31 of the previous year or June 30 of the current year. The report shall contain, but not be limited to, the following information:

- (a) The total number of claims made against each facility or organization which were filed or closed during the reporting period;
- (b) The date each new claim was filed with the insurer;
- (c) The allegations contained in each claim filed during the reporting period;
- (d) The disposition and closing date of each claim closed during the reporting period;
- (e) The dollar amount of the award or settlement for each claim closed during the reporting period; and
- (f) Any other information the commissioner of health may, by rule, require.

Any hospital, outpatient surgery center, or health maintenance organization which is self insured shall be considered to be an insurer for the purposes of this section and shall comply with the reporting provisions of this section.

A report from an insurer submitted pursuant to this section is private data, as defined in section 15.162, subdivision 5a, accessible to the facility or organization which is the subject of the data, and to its authorized agents. Any data relating to patient records which is reported to the state commissioner of health pursuant to this section shall be reported in the form of summary data, as defined in section 15.162, subdivision 9.

Subd. 2. The state commissioner of health shall collect and review the data reported pursuant to subdivision 1. On December 1, 1976, and on January 2 of each year thereafter, the state commissioner of health shall report to the legislature his findings related to the incidence and size of malpractice claims against hospitals, outpatient

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surgery centers, and health maintenance organizations, and shall make any appropriate recommendations to reduce the incidence and size of the claims. Data published by the state commissioner of health pursuant to this subdivision with respect to malpractice claims information shall be summary data within the meaning of section 15.162, subdivision 9.

Subd. 3. The state commissioner of health shall have access to the records of any insurer relating to malpractice claims made against hospitals, outpatient surgery centers, and health maintenance organizations in years prior to 1976 if he determines the records are necessary to fulfill his duties under Laws 1976, Chapter 325.

[ 1976 c 325 s 10; 1977 c 305 s 45 ]

**144.695 CITATION.** Sections 144.695 to 144.703 may be cited as the Minnesota hospital administration act of 1976.

[ 1976 c 296 art 2 s 1 ]

**144.696 DEFINITIONS.** Subdivision 1. Unless the context clearly indicates otherwise, for the purposes of sections 144.695 to 144.703, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner of health" means the state commissioner of health.

Subd. 3. "Hospital" means any acute care institution licensed pursuant to sections 144.50 to 144.58, but does not include any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

Subd. 4. "Commissioner of insurance" means the commissioner of insurance.

Subd. 5. "Insurer" means a person selling policies of accident and health insurance pursuant to chapter 62A, or nonprofit health service plan subscriber contracts pursuant to chapter 62C.

[ 1976 c 296 art 2 s 2; 1977 c 305 s 45 ]

**144.697 GENERAL POWERS AND DUTIES OF STATE COMMISSIONER OF HEALTH.** Subdivision 1. The commissioner of health may contract with third parties for services necessary to carry out his activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.

Subd. 2. The commissioner of health may apply for and receive grants and gifts from any governmental agency, private entity or other person.

Subd. 3. To further the purposes of sections 144.695 to 144.703, the commissioner of health may create committees from the membership and may appoint ad hoc advisory committees.

Subd. 4. The commissioner of health shall coordinate regulation and inspection of hospitals to avoid, to the extent possible, conflicting rules and duplicative inspections.

[ 1976 c 296 art 2 s 3; 1977 c 305 s 45 ]

**144.698 REPORTING REQUIREMENTS.** Subdivision 1. Each hospital, which has not filed the financial information required by this section with a voluntary, nonprofit rate review organization pursuant to section 144.702, shall file annually with the commissioner of health after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A detailed statement of income and expenses; and

(c) A copy of its most recent cost report filed pursuant to requirements of Title XVIII of the United States Social Security Act.

Subd. 2. If more than one licensed hospital is operated by the reporting organization, the commissioner of health may require that the information be reported separately for each hospital.

Subd. 3. The commissioner of health may require attestation by responsible officials of the hospital that the contents of the reports are true.

Subd. 4. All reports, except privileged medical information, filed pursuant to this section, section 144.701 or section 144.702, subdivision 3 or 4 shall be open to public inspection.

Subd. 5. The commissioner of health shall have the right to inspect hospital books, audits, and records as reasonably necessary to verify hospital reports.  
[ 1976 c 296 art 2 s 4; 1977 c 305 s 45 ]

**144.699 CONTINUING ANALYSIS.** Subdivision 1. The commissioner of health may:

- (a) Undertake analyses and studies relating to hospital costs and to the financial status of any hospital subject to the provisions of sections 144.695 to 144.703; and
- (b) Publish and disseminate the information relating to hospital costs.

Subd. 2. The commissioner of health shall prepare and file summaries and compilations or other supplementary reports based on the information filed with or made available to the commissioner of health, which reports will advance the purposes of sections 144.695 to 144.703.

[ 1976 c 296 art 2 s 5; 1977 c 305 s 45 ]

**144.70 ANNUAL REPORT.** The commissioner of health shall prepare and prior to each legislative session transmit to the governor and to the members of the legislature an annual report of the commissioner of health's operations and activities for the preceding fiscal year as they relate to the duties imposed on the commissioner of health by sections 144.695 to 144.703. This report shall include a compilation of all summaries and reports required by sections 144.695 to 144.703 together with any findings and recommendations of the commissioner of health.

[ 1976 c 296 art 2 s 6; 1977 c 305 s 45 ]

**144.701 INVESTIGATIVE POWER.** Subdivision 1. The commissioner of health may initiate reviews or investigations as necessary to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs, and that rates are set equitably. The commissioner of health shall prohibit hospitals from discriminating among insurers in its rates.

Subd. 2. In order to properly discharge these obligations, the commissioner of health may review projected annual revenues and expenses of hospitals and comment on them.

Subd. 3. In the interest of promoting the most efficient and effective use of hospitals, the commissioner of health may promote experimental alternative methods of budgeting, cost control, rate determination and payment.

Subd. 4. The commissioner of health shall begin to compile relevant financial and accounting data concerning hospitals in order to have statistical information available for legislative policy making.

Subd. 5. The commissioner of health shall obtain from each hospital a current rate schedule. Any subsequent amendments or modifications of that schedule shall be filed with the commissioner of health at least 60 days in advance of their effective date. The commissioner of health may, by rule, exempt from this requirement rate increases which have a minimal impact on hospital costs. If the hospital has not agreed to submit to a voluntary rate review in accordance with section 144.702, the commissioner of health may hold a public hearing pursuant to chapter 15, on any increase which he determines is excessive and may publicly comment on any increase.

Subd. 6. Each report which is required to be submitted to the commissioner of health pursuant to subdivision 5 and which is not to be reviewed by a voluntary nonprofit rate review organization in accordance with section 144.702 shall be accompanied by a filing fee in an amount prescribed by rule of the commissioner of health. Filing fees shall be set at a level sufficient to cover the costs of any reviews undertaken pursuant to subdivision 5, and may take into consideration the length or complexity of the report being filed. Fees received pursuant to this subdivision shall be deposited in the general fund of the state treasury.

[ 1976 c 296 art 2 s 7; 1977 c 305 s 45 ]

**144.702 VOLUNTARY REPORTING AND RATE REVIEW OF HOSPITAL COSTS.** Subdivision 1. A hospital may agree to submit its financial reports to, and be subject to a review of its rates by, a voluntary, nonprofit rate review organization whose reporting and review procedures have been approved by the commissioner of health in accordance with this section.

Subd. 2. The commissioner of health may approve voluntary reporting and rate review procedures which are substantially equivalent to reporting requirements and rate review procedures adopted by the commissioner of health for reporting and rate reviews conducted pursuant to sections 144.698 and 144.701. The commissioner of health shall, by rule, prescribe standards for approval of voluntary rate review procedures, which standards shall provide for:

- (a) The filing of appropriate financial information with the rate review organization;
- (b) Adequate analysis and verification of that financial information; and
- (c) Timely publication of the review organization's findings and comments prior to the effective date of any proposed rate increase. The commissioner of health shall annually review the procedures approved pursuant to this subdivision.

Subd. 3. Any voluntary, nonprofit rate review organization which conducts a review of the rates of a hospital located in this state shall file a copy of its findings and comments with the commissioner of health within 30 days of completion of the review process, together with a summary of the financial information acquired by the organization during the course of its review.

Subd. 4. Any voluntary, nonprofit rate review organization which receives the financial information required in section 144.698 shall make the information available to the commissioner of health in accordance with procedures prescribed by the commissioner of health.

Subd. 5. If the reporting and rate review procedures of a voluntary, nonprofit rate review organization have been approved by the commissioner of health those reporting and rate reviewing activities of the organization shall be exempt from the provisions of sections 325.8011 to 325.8028.

Subd. 6. For the purposes of this section "rate review organization" means an association or other organization which has as one of its primary functions the peer review of hospital rates.

[ 1976 c 296 art 2 s 8; 1977 c 305 s 45 ]

**144.703 ADDITIONAL POWERS.** Subdivision 1. In addition to the other powers granted to the commissioner of health and the commissioner of insurance by law, the commissioner of health and the commissioner of insurance may each:

- (a) Adopt, amend, and repeal rules in accordance with chapter 15;
- (b) Hold public hearings, conduct investigations, and administer oaths or affirmations in any hearing or investigation.

Subd. 2. Any person aggrieved by a final determination of the commissioner of health or the commissioner of insurance as to any rule or determination under sections 144.695 to 144.703; or 62A.02, subdivision 3; or 62C.15, subdivision 2, shall be entitled to an administrative hearing and judicial review in accordance with the contested case provisions of chapter 15.

[ 1976 c 296 art 2 s 9; 1977 c 305 s 45 ]

#### CHILDREN'S CAMPS

**144.71 PURPOSE; DEFINITIONS.** Subdivision 1. **Health and safety.** The purpose of sections 144.71 to 144.76 is to protect the health and safety of children in attendance at children's camps.

Subd. 2. **Definition.** For the purpose of such sections a children's camp is defined as a parcel or parcels of land with permanent buildings, tents or other structures together with appurtenances thereon, established or maintained as living quarters where both food and lodging or the facilities therefor are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee.

Subd. 3. **What not included in definition.** This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children and for the operation of which a license is required under the provisions of chapter 257.

[ 1951 c 285 s 1; 1974 c 406 s 21 ]

**144.72 OPERATION.** Subdivision 1. **Permits.** The state commissioner of health is authorized to issue permits for the operation of such children's camps and such camps are required to obtain such permits.

Subd. 2. **Application.** On or before June first annually, every person, partnership or corporation, operating or seeking to operate a children's camp, shall make application in writing to the commissioner for a permit to conduct a children's camp. Such application shall be in such form and shall contain such information as the commissioner may find necessary to his determination that the children's camp will be operated and maintained in such a manner as to protect and preserve the health and safety of the persons using the camp. Where a person, partnership or corporation operates or is seeking to operate more than one children's camp, a separate application shall be made for each camp.

Subd. 3. **Issuance of permits.** If the commissioner should determine from the application that the health and safety of the persons using the camp will be properly safeguarded, he may, prior to actual inspection of the camp, issue the permit in writing. No fee shall be charged for the permit. The permit shall be posted in a conspicuous place on the premises occupied by the camp.

[ 1951 c 285 s 2; 1977 c 305 s 45 ]

**144.73 STATE COMMISSIONER OF HEALTH, DUTIES.** Subdivision 1. **Inspection of camps.** It shall be the duty of the state commissioner of health to make an annual inspection of each children's camp, and where, upon inspection it is found that there is a failure to protect the health and safety of the persons using the camp, or a failure to comply with the camp regulations prescribed by the commissioner, the commissioner shall give notice to the camp operator of such failure, which notice shall set forth the reason or reasons for such failure.

Subd. 2. **Revocation of permit.** The camp operator shall have a reasonable time after receiving said notice in which to correct such failure and to comply with the requirements and regulations of the commissioner. In the event the camp operator shall fail to comply with the requirements of said notice within a reasonable time, the commissioner may revoke the permit of such children's camp.

Subd. 3. **Hearings.** The camp operator shall be entitled to a hearing before the commissioner on the revocation of his permit. A request for such hearing shall be made by the camp operator in writing. The hearing shall be held at the time and place designated by the commissioner and at least five days written notice of such hearing shall be given to the camp operator. The notice may be served by certified mail. The camp operator shall be entitled to be represented by legal counsel and shall have the right to produce evidence and testimony at such hearing. The commissioner may appoint in writing any competent person to preside at such hearing. Such person shall take testimony, administer oaths, issue subpoenas, compel the attendance of witnesses, and transmit the record of the hearing to the commissioner. The decision of the commissioner shall be based on the evidence and testimony presented at such hearing.

Subd. 4. **Reinstatement of permit.** Where a permit has been revoked by the commissioner it shall be reinstated upon compliance with the requirements and regulations of the state commissioner of health.

[ 1951 c 285 s 3; 1977 c 305 s 45; 1978 c 674 s 60 ]

**144.74 REGULATIONS, STANDARDS.** The state commissioner of health is authorized to adopt and enforce such reasonable regulations and standards as he determines necessary to protect the health and safety of children in attendance at children's camps. Such regulations and standards may include reasonable restrictions and limitations on the following:

(1) Camp sites and buildings, including location, layout, lighting, ventilation, heating, plumbing, drainage and sleeping quarters;

(2) Sanitary facilities, including water supply, toilet and shower facilities, sewage and excreta disposal, waste and garbage disposal, and the control of insects and rodents, and

(3) Food service, including storage, refrigeration, sanitary preparation and handling of food, the cleanliness of kitchens and the proper functioning of equipment.

[ 1951 c 285 s 4; 1977 c 305 s 45 ]

144.75 [ Repealed, 1973 c 250 s 2 ]

**144.76 VIOLATION, PENALTY.** Any person violating any of the provisions of sections 144.71 to 144.76 or of the regulations or standards promulgated hereunder shall be guilty of a misdemeanor.

[ 1951 c 285 s 6 ]

#### AMBULANCE SERVICES

**144.801 DEFINITIONS.** Subdivision 1. For the purposes of sections 144.801 to 144.808, the terms defined in this section have the meaning given them.

Subd. 2. "Land ambulance" means any vehicle designed or intended for and actually used in providing land transportation of wounded, injured, sick, invalid, or incapacitated persons, or expectant mothers.

Subd. 3. "Air ambulance" means any vehicle which is designed or intended for and actually used in providing air transportation of wounded, injured, sick, invalid, or incapacitated persons, or expectant mothers.

Subd. 4. "Emergency ambulance service" means transportation and treatment which is rendered or offered to be rendered preliminary to or during transportation for wounded, injured, sick, invalid, or incapacitated persons, or expectant mothers, provided by any operator.

Subd. 5. "Nonemergency ambulance service" means transportation to or from a health care facility for examination, diagnosis, treatment, therapy, or consultation for wounded, injured, sick, invalid, or incapacitated persons, or expectant mothers, provided by any operator. This service is transportation which is regularly provided, or offered to be provided, but which does not regularly necessitate treatment of the person while being transported. Nonemergency ambulance service does not include the provision of transportation services to persons for whom the need for oxygen, resuscitation or aspiration is not reasonably foreseeable during transportation.

Subd. 6. "License" means authority granted by the state commissioner of health for the operation of a land emergency ambulance service, land nonemergency ambulance service, air emergency ambulance service, or air nonemergency ambulance service in the state of Minnesota.

Subd. 7. "Operator" means a person, firm, partnership, corporation, service club, volunteer fire department, volunteer ambulance service, political subdivision or other organization which provides land emergency ambulance service, land nonemergency ambulance service, air emergency ambulance service, or air nonemergency ambulance service.

Subd. 8. "Base of operation" means the political subdivision in which the physical plant housing ambulances, related equipment and personnel is located.

Subd. 9. "Newly established ambulance service" means an emergency ambulance service or nonemergency ambulance service which does not possess a current license to provide the specific type of ambulance service as set forth in subdivision 6 and intended to be offered from a base of operation.

[ 1969 c 773 s 1; 1973 c 220 s 1,2; 1977 c 37 s 1; 1977 c 305 s 45 ]

**144.802 LICENSING.** Subdivision 1. No operator shall operate a land emergency ambulance service, land nonemergency ambulance service, air emergency ambulance service or air nonemergency ambulance service within this state unless it possesses a valid license to do so issued by the state commissioner of health. The license shall specify the location of the base of operations and the type or types of ambulance service for which the operator is licensed. The operator shall obtain a new license if it wishes to establish a new base of operation or provide a new type or types of service. Licenses shall not be transferable. If ownership of a service is transferred, a new license shall be issued upon the approval of the state commissioner of health and a finding of conformance with all the requirements of sections 144.801 to 144.806 and 144.808. A public hearing shall not be required when there is a transfer of ownership. The cost of licenses shall be in an amount prescribed by the commissioner pur-

suant to section 144.122. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

Subd. 2. The state commissioner of health shall not issue a license for the operation of a newly established ambulance service, a new type or types of ambulance service or a new base of operation for an existing ambulance service in the state unless the service meets the standards required by sections 144.801 to 144.806 and the applicant has demonstrated to the satisfaction of the state commissioner of health pursuant to the provisions of subdivision 3, that the public convenience and necessity require the proposed ambulance service.

Subd. 3. Upon receiving an application for a license to operate an ambulance service, a notice of the filing of the application shall be published in the state register and once in the form prescribed by the commissioner of health, at the expense of the applicant, in a newspaper published in the municipality in which the proposed ambulance service is to be provided, or, if there is none in the municipality or if the service is to be provided in more than one municipality, in a newspaper published at the county seat of the county in which the ambulance service is to be provided. The commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo.

[ 1969 c 399 s 1; 1969 c 773 s 2; 1973 c 220 s 3; 1974 c 471 s 7; 1975 c 310 s 8; 1977 c 37 s 2; 1977 c 305 s 45; 1977 c 346 s 8 ]

**144.803 LICENSING; SUSPENSION AND REVOCATION.** The state commissioner of health may, after hearing upon reasonable notice, suspend or revoke, or refuse to renew the license of an operator upon finding that the licensee has violated sections 144.801 to 144.806 or 144.808. Proceedings by the state commissioner of health pursuant to this section and review thereof shall be subject to the provisions of chapter 15.

[ 1969 c 773 s 3; 1977 c 37 s 3; 1977 c 305 s 45 ]

**144.804 STANDARDS.** Subdivision 1. No publicly or privately owned ambulance service shall be operated in the state unless the drivers and attendants possess a current advanced American Red Cross first aid certificate or other first aid or emergency care certificate authorized by rules adopted by the state commissioner of health pursuant to chapter 15.

Subd. 2. Every ambulance offering emergency service shall be equipped with a stretcher and after August 1, 1979, a two-way radio communications system which is in accordance with the state commissioner of health statewide radio communications plan and carry the minimal equipment recommended by the American College of Surgeons or the equivalent as determined by standards adopted by the state commissioner of health pursuant to chapter 15.

Subd. 3. All land ambulances offering emergency service, whether publicly or privately owned, shall offer ambulance service 24 hours per day every day of the year and shall be staffed by a driver and an attendant. An ambulance operated by a non-profit entity and limiting its operation exclusively to providing emergency ambulance service by contract for specific events and meetings need not offer emergency service 24 hours per day every day of the year but shall meet all other legal standards for ambulance services offering emergency service. Air ambulances shall be staffed by a pilot and an attendant. Whenever a land emergency ambulance service shall find it impossible to arrange for an attendant to accompany the driver, the driver may proceed to answer an emergency call without an accompanying attendant, provided that the ambulance service shall make all reasonable efforts to arrange for an attendant to be present at the site of the emergency and enroute to a health care facility. Drivers and attendants are authorized to use only such equipment for which they are qualified by training. An ambulance service may substitute a physician, osteopath or registered

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nurse for the attendant in an ambulance.

All ambulances offering nonemergency service shall be equipped with oxygen and resuscitation and aspiration equipment. After July 1, 1978 the oxygen, resuscitation and aspiration equipment must meet standards as specified by rules adopted by the state commissioner of health pursuant to chapter 15. No ambulance offering only nonemergency services shall be equipped with emergency warning lights or siren.

Subd. 4. Nothing in sections 144.801 to 144.806 shall prevent operation of a police emergency vehicle by one person nor affect any statute or regulatory authority vested in the department of public safety concerning automotive equipment and safety requirements.

[ 1969 c 773 s 4; 1973 c 220 s 4-6; 1976 c 166 s 7; 1976 c 202 s 1; 1977 c 37 s 4; 1977 c 305 s 45 ]

**144.805 CLASS C DRIVER'S LICENSE.** Any person driving an ambulance shall have a valid class C Minnesota driver's license.

[ 1969 c 773 s 5; 1977 c 37 s 5 ]

**144.806 PENALTIES.** Any person who violates a provision of sections 144.801 to 144.806 is guilty of a misdemeanor.

[ 1969 c 773 s 6 ]

**144.807 REPORTS.** Subdivision 1. **Reporting of information.** Operators of ambulance services licensed pursuant to sections 144.801 to 144.806 shall report information about emergency service to the state commissioner of health as the commissioner may require, excluding data relative to patient identification, cost of the service rendered, or charges for the service provided. No reports shall be required for non-emergency service. All information shall be reported on forms prescribed by the commissioner for that purpose. In determining the nature, scope, use, and form of the information to be reported, the commissioner shall consult with his designated ambulance service subcommittee.

Subd. 2. **Failure to report.** Failure to report all information required by the commissioner shall constitute grounds for licensure revocation.

Subd. 3. **Reports confidential.** No reports made pursuant to this section shall be used as evidence in any trial, civil or criminal, nor in any other proceeding except a proceeding involving the question of licensure. Information contained in the reports may only be disseminated to the extent prescribed by the commissioner.

[ 1974 c 300 s 1; 1977 c 305 s 45 ]

**144.808 INSPECTIONS.** The state commissioner of health may inspect ambulance services as frequently as deemed necessary. These inspections shall be for the purpose of determining that the ambulance and equipment is clean and in proper working order and if the operator is in compliance with sections 144.801 to 144.804 and any rules that the state commissioner of health adopts related to sections 144.801 to 144.804.

[ 1977 c 37 s 6; 1977 c 305 s 45 ]

**144.809 RENEWAL OF EMERGENCY MEDICAL TECHNICIAN'S CERTIFICATE, FEE.** No fee set by the state commissioner of health for biennial renewal of an emergency medical technician's certificate by a member of a volunteer ambulance service or volunteer fire department shall exceed \$2.

[ 1977 c 37 s 7; 1977 c 305 s 45 ]

**144.8091 REIMBURSEMENT TO NONPROFIT AMBULANCE SERVICES.** Subdivision 1. Any political subdivision, or nonprofit hospital or nonprofit corporation operating a licensed ambulance service shall be reimbursed by the state commissioner of health for the necessary expense of the initial training of a volunteer ambulance attendant upon successful completion by the attendant of an emergency care course which has been approved by the state commissioner of health, pursuant to section 144.804. Reimbursable expense may include tuition, transportation, food, lodging, hourly payment for time spent in the training course, and other necessary expenditures, except that in no instance shall a volunteer ambulance attendant be reimbursed more than \$210.

Subd. 2. For purposes of this section, "volunteer ambulance attendant" means a person who provides emergency medical services for a licensed ambulance service without the expectation of remuneration and who does not depend in any way upon the provision of these services for the person's livelihood. An individual may be considered a volunteer ambulance attendant even though that individual receives an hourly stipend for each hour of actual service provision, except for hours on standby alert, even though this hourly stipend is regarded as taxable income for purposes of state or federal law, provided that this hourly stipend does not exceed \$500 in the year in which the individual received his training.

Subd. 3. Reimbursements authorized by subdivision 1 shall only be paid for volunteer ambulance attendants commencing and completing training after July 1, 1977.

[ 1977 c 305 s 45; 1977 c 427 s 1 ]

#### ALCOHOLISM

**144.81** [ Repealed, 1973 c 572 s 18 ]

**144.82** [ Repealed, 1973 c 572 s 18 ]

**144.83** [ Repealed, 1967 c 893 s 5 ]

**144.831** [ Repealed, 1973 c 572 s 18 ]

**144.832** [ Repealed, 1973 c 572 s 18 ]

**144.833** [ Repealed, 1973 c 572 s 18 ]

**144.834** [ Repealed, 1973 c 572 s 18 ]

**144.84 CIVIL SERVICE CLASSIFICATION.** The commissioner of personnel and the civil service commission shall establish a classification to be known as "counselor on alcoholism" the qualifications of which shall give recognition to the value and desirability of recovered alcoholics in performing the duties of their employment.

[ 1953 c 705 s 4; 1973 c 507 s 45 ]

#### HUMAN GENETICS

**144.91 POWERS AND DUTIES.** The state commissioner of health is authorized to develop and carry on a program in the field of human genetics which shall include the collection and interpretation of data relating to human hereditary diseases and pathologic conditions; the assembly, preparation and dissemination of informational material on the subject for professional counselors and the lay public; the conduct of such research studies as may stimulate reduction in the frequency of manifestation of various deleterious genes, and the provision of counseling services to the public on problems of human genetics. It shall consult and cooperate with the University of Minnesota, the public health service and the children's bureau of the department of health, education and welfare, and with nationally recognized scientific and professional organizations engaged in studying the problems of human genetics.

[ 1959 c 572 s 1; 1977 c 305 s 45 ]

**144.92 GRANTS OR GIFTS.** The board is authorized to receive and expend in accordance with approved plans such funds as may be granted by the public health service or any other federal agency which may appropriate funds for this purpose, or such funds as may be received as gifts from private organizations and individuals to the state for carrying out the purposes of sections 144.91 to 144.93.

[ 1959 c 572 s 2 ]

**144.93** [ Repealed, 1973 c 250 s 2 ]

**144.94 CYTOGENETICS LABORATORY.** The state commissioner of health is hereby required to maintain, staff, and operate a cytogenetics laboratory for the study of human chromosomes for the diagnosis and investigation of hereditary diseases. The laboratory services shall be available without charge to the patient upon recommendation of the referring physician if in the judgment of the commissioner the patient is without adequate funds to pay the cost. In other cases the commissioner shall charge and bill the patient for the cost of the diagnosis and investigation at the prevailing rate.

[ 1969 c 481 s 1; 1977 c 305 s 45 ]

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DEPARTMENT OF HEALTH 144.94

**144.951** [ Repealed, 1976 c 173 s 64 ]

## NURSING HOME ADMINISTRATORS

**144.952** Subdivision 1. [ Repealed, 1977 c 347 s 23 ]

Subd. 2. [ Repealed, 1976 c 173 s 64 ]

Subd. 3. [ Repealed, 1977 c 347 s 23 ]

**144.953** [ Repealed, 1976 c 173 s 64 ]

**144.954** [ Repealed, 1976 c 173 s 64 ]

**144.955** [ Repealed, 1976 c 173 s 64 ]

NOTE: Section 144.955 was also amended by Laws 1976, Chapter 222, Section 30, to read as follows:

"144.955 LICENSE FEES. Each person licensed as a nursing home administrator shall be required to pay initial and renewal license fees in amounts to be fixed by the board. In addition each person who takes an examination as prescribed by section 144.953 shall be required to pay a fee, the amount to be fixed by the board. An initial license shall expire on June 30 of the year following its issuance, and shall be renewable pursuant to the relevant provisions of section 144.96."

**144.9555** [ Repealed, 1976 c 173 s 64 ]

**144.956** [ Repealed, 1976 c 173 s 64; 1976 c 222 s 209 ]

**144.957** [ Repealed, 1976 c 173 s 64 ]

**144.958** [ Repealed, 1976 c 173 s 64; 1976 c 222 s 209 ]

**144.959** [ Repealed, 1976 c 173 s 64 ]

NOTE: Section 144.959 was also amended by Laws 1976, Chapter 222, Section 31, to read as follows:

"144.959 DUTIES OF THE BOARD. The board shall have the duty and responsibility to:

(1) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators shall be individuals who are of good character and are otherwise suitable, and who, by training or experience are qualified to serve as nursing home administrators.

(2) Develop and apply appropriate techniques, including examination and investigations, for determining whether individuals meet such standards.

(3) Issue licenses to individuals, after application of such techniques, determined to meet such standards, and for cause, to revoke or suspend licenses previously issued by the board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards.

(4) Establish and implement procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

(5) Take appropriate action with respect to, and including the revocation of a license, if necessary, for cause, on any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.

(6) Conduct a continuing study and investigation of nursing homes, and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes.

(7) Recognize, or cause to be conducted, one or more courses of instruction and training sufficient to meet the requirements of sections 144.951 to 144.964, and make provisions for the conduct of such courses and their accessibility to residents of this state. The board may approve courses conducted within and without this state as sufficient to meet the education and training requirements hereof."

**144.96** [ Repealed, 1976 c 173 s 64; 1976 c 222 s 209 ]

**144.961** [ Repealed, 1976 c 173 s 64 ]

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## 144.94 DEPARTMENT OF HEALTH

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**144.962** [ Repealed, 1976 c 173 s 64 ]

**144.963** [ Repealed, 1976 c 173 s 64 ]

**144.964** [ Repealed, 1976 c 173 s 64 ]

**144.965** [ Repealed, 1976 c 173 s 64; 1976 c 222 s 209 ]