

## CHAPTER 251

## CARE OF TUBERCULOUS PERSONS

251.011	Relocation of facilities.	251.045	Persons now receiving benefit.
251.041	Employees contracting tuberculosis to receive medical care and compensation.	251.051	Police officers contracting tuberculosis.
251.042	Report of illness of employee, hearing on claim.	251.052	Report of illness.
251.043	Findings, payment of medical care and compensation.	251.053	Officers admitted to hospital; payments.
251.044	Application.	251.15	Hospital employee contracting tuberculosis.
		251.17	Indians, facilities for treatment.

**251.01** [Repealed, 1980 c 357 s 22]

**251.011 RELOCATION OF FACILITIES.**

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

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 [Repealed, 1980 c 357 s 22]

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

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

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 [Repealed, 1980 c 357 s 22]

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

Subd. 7. **Status of employees.** Upon execution of the lease referred to herein, the employees of the Glen Lake Sanatorium shall become employees of the state sanatorium or nursing home and blanketed into the classified service of the state, and shall be placed in the proper classifications by the commissioner of employee relations with such compensation as such classifications carry. The seniority rights of such employees which exist at the time of transfer shall be retained. Upon assuming state employment each such employee shall be credited with whatever sick leave he still has to his credit as an employee of Glen Lake Sanatorium after

# MINNESOTA STATUTES 1984

application of the severance pay plan of the Hennepin county Sanatorium Commission but not to exceed thirty days.

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

**History:** 1961 c 618 s 1-8; 1963 c 801 s 1; 1973 c 507 s 45; 1974 c 428 s 5; 1980 c 617 s 47; 1983 c 312 art 1 s 21; 1984 c 654 art 5 s 58

**251.02** [Repealed, 1980 c 357 s 22]

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

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

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

**251.03** [Repealed, 1980 c 357 s 22]

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

**251.041 EMPLOYEES CONTRACTING TUBERCULOSIS TO RECEIVE MEDICAL CARE AND COMPENSATION.**

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

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

**251.042 REPORT OF ILLNESS OF EMPLOYEE, HEARING ON CLAIM.**

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

# MINNESOTA STATUTES 1984

5099

CARE OF TUBERCULOUS PERSONS 251.045

as claims of other public employees under the workers' compensation law are heard and determined.

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

## **251.043 FINDINGS, PAYMENT OF MEDICAL CARE AND COMPENSATION.**

Subdivision 1. If upon the evidence mentioned in the preceding section, the workers' compensation division finds that an employee is suffering from tuberculosis contracted in the institution or department by contact with inmates or patients therein or by contact with tuberculosis contaminated material therein, it shall order the employee to seek the services of a physician or medical care facility. There shall be paid to the physician or facility where the employee may be received, the same fee for the maintenance and care of the person as is received by the institution for the maintenance and care of a nonresident patient. If the employee worked in a state hospital or nursing home, payment for the care shall be made by the commissioner of human services. If employed in any other institution or department the payment shall be made from funds allocated or appropriated for the operation of the institution or department. If the employee dies from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death, the workers' compensation division shall order payment to dependents as provided for under the general provisions of the workers' compensation law.

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

Subd. 3. When an employee has contracted tuberculosis within the meaning of subdivision 1, the periods of time specified in section 176.141 shall be computed from the date that a confirmed diagnosis of tuberculosis is first communicated to the employee.

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

## **251.044 APPLICATION.**

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

**History:** 1949 c 558 s 5

## **251.045 PERSONS NOW RECEIVING BENEFIT.**

All employees of state tuberculosis sanatoriums, under the provisions of Laws 1941, Chapter 479, as amended, who are now receiving benefits shall continue to

# MINNESOTA STATUTES 1984

## 251.045 CARE OF TUBERCULOUS PERSONS

5100

receive such benefits, and in addition thereto, shall, beginning with May 1, 1947, be paid benefits as provided by sections 251.041 to 251.045.

**History:** 1947 c 616 s 4; 1949 c 558 s 6

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

### **251.051 POLICE OFFICERS CONTRACTING TUBERCULOSIS.**

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

**History:** 1955 c 340 s 1

### **251.052 REPORT OF ILLNESS.**

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

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

### **251.053 OFFICERS ADMITTED TO HOSPITAL; PAYMENTS.**

If upon the evidence mentioned in section 251.052, the workers' compensation division finds that a police officer is suffering from tuberculosis contracted by contact with persons suffering from tuberculosis while the police officer was working within the scope of the officer's employment, it shall require the police officer to seek the services of a physician or a medical care facility. There shall be paid to the physician or facility where the employee may be received the same fee for the maintenance and care of the employee as is received by the facility for the maintenance and care of a nonresident patient, and the fees shall be paid by the state, county or city in whose employment the police officer was hired and working at the time the police officer contracted the tuberculosis. The police officer shall receive full hospital care and medical care without cost for the duration of the infection of tuberculosis or any recurrence thereof or any disability resulting therefrom. Further, the workers' compensation division shall order payment to the police officer by the state, county or city concerned, of the compensation provided for under the general provisions of the workers' compensation law, including benefits to dependents as defined by the workers' compensation law, if the police officer dies

from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death.

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

- 251.06** [Repealed, 1965 c 45 s 73]  
**251.07** [Repealed, 1965 c 45 s 73]  
**251.08** [Repealed, 1980 c 357 s 22]  
**251.09** [Repealed, 1980 c 357 s 22]  
**251.10** [Repealed, 1980 c 357 s 22]

NOTE: See section 144.421.

- 251.11** [Repealed, 1980 c 357 s 22]  
**251.12** [Repealed, 1980 c 357 s 22]  
**251.13** [Repealed, 1980 c 357 s 22]  
**251.14** [Repealed, 1980 c 357 s 22]

### **251.15 HOSPITAL EMPLOYEE CONTRACTING TUBERCULOSIS.**

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

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

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

- 251.16** [Repealed, 1980 c 357 s 22]

### **251.17 INDIANS, FACILITIES FOR TREATMENT.**

The governor and the commissioner of human services are authorized to negotiate for and to accept a conveyance from the United States of America of the following described land in Cass county, to-wit:

Beginning at a point 463.7 feet west and 56.0 feet south of the Northeast corner of the Southeast quarter of the Southwest quarter of Section 35, Township 142 North, Range 31 West of the 5th P.M. thence south 25 degrees 30 minutes west at no variation, for a distance of 350 feet, thence north 64 degrees 30 minutes west for a distance of 350 feet, thence north 25 degrees 30 minutes east for a distance of 350 feet, thence south 64 degrees 30 minutes east for a distance of 350 feet to point of beginning, containing 2.81 acres,

the buildings on which are used in conjunction with the Minnesota State Sanatorium, agreeing as a consideration therefor to maintain the buildings for 20 years, and to provide there or elsewhere adequate treatment facilities for tubercular Indians who are residents of Minnesota, for poor relief purposes.

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