

CHAPTER 376

HOSPITALS, SANATORIUMS, NURSING HOMES

- HOSPITALS**
- 376.009 County hospital.
 - 376.01 Acquisition of land.
 - 376.02 Buildings.
 - 376.03 Question submitted to voters.
 - 376.04 Election, separate ballot.
 - 376.05 Hospital authorized, erection of buildings.
 - 376.06 Superintendent, hospital board; duties.
 - 376.07 Addition to county hospital.
 - 376.08 Counties, appropriations for hospitals and nursing homes.

- 376.09 Aid to hospitals in counties having no county hospital.

NURSING HOMES

- 376.55 County nursing home.
- 376.56 Tax levies and bonds.
- 376.57 Determination to establish.
- 376.58 Supervision.
- 376.59 County building funds.
- 376.60 Administrative board or executive committee; powers, duties.

HOSPITALS

376.009 COUNTY HOSPITAL.

For the purposes of sections 376.01 to 376.06, "county hospital" means any hospital owned or operated by a county and this hospital may consist of any number of buildings at one location or any number of buildings at different locations within the county.

History: 1955 c 808 s 1

376.01 ACQUISITION OF LAND.

The county board of any county may acquire lands in the county for hospital purposes for patients, other than insane.

History: 1913 c 392 s 1; 1955 c 808 s 2 (677)

376.02 BUILDINGS.

The county board of any county may purchase, erect, or construct suitable buildings for hospital purposes for patients, other than insane, on any land acquired pursuant to section 376.01, and may improve, equip, and maintain these buildings for such hospital purposes. The county board may pay for these buildings out of any moneys in the county treasury not otherwise appropriated or issue therefor the warrants or bonds of the county in payment therefor. The county board may fix the time and terms of payment of these warrants or bonds and the amount of interest to be paid.

History: 1913 c 392 s 2; 1955 c 808 s 3 (678)

376.03 QUESTION SUBMITTED TO VOTERS.

If a majority of the electors of any county voting upon the proposition at any election at which the question of purchasing, erecting, and constructing hospital buildings, as provided in section 376.02 is submitted, vote in favor of the proposition, the county board shall thereupon proceed to purchase, erect, and construct these buildings and make the improvements necessary to fit the buildings for hospital purposes.

History: 1913 c 392 s 3; 1955 c 808 s 4 (679)

376.04 ELECTION, SEPARATE BALLOT.

The question of purchasing, erecting and constructing hospital buildings shall be submitted to the qualified voters of any county at a general election and placed upon a separate ballot. This election shall be called by a resolution of the county board which states the time of the election, that a county hospital is proposed to be established, the proposed location thereof, the same to cost, including equipment, not to exceed the sum set forth in the resolution. Upon passage of the resolutions the county auditor forthwith notifies each town or city clerk in the county that the question of erecting hospital buildings will be voted upon at the time stated in the resolution, the election to be controlled by the existing election laws.

The ballot shall be in the following form:

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

Yes

No

Electors desiring to vote in favor thereof shall make their cross-mark, thus (X), opposite the word “yes,” and electors desiring to vote against the proposition shall make their cross-mark, thus (X), opposite the word “no”. These votes shall be cast in the same manner as votes cast at the general election and counted by the same officers, and returns made to the county auditor, and canvassed in like manner as the returns on county officers.

History: 1913 c. 392 s 4; 1955 c 808 s 5; 1973 c 123 art 5 s 7 (680)

376.05 HOSPITAL AUTHORIZED, ERECTION OF BUILDINGS.

If a majority of the electors voting upon the proposition vote in favor of purchasing, erecting, and constructing such hospital buildings, the county board shall forthwith proceed to purchase, erect, and construct such buildings as are deemed proper, suitable, and convenient and equip the same to effectuate the purpose.

History: 1913 c 392 s 5; 1955 c 808 s 6 (681)

376.06 SUPERINTENDENT, HOSPITAL BOARD; DUTIES.

Subdivision 1. The county board of any county having so purchased, erected and constructed buildings for hospital purposes may operate these buildings as such hospital, appoint a superintendent therefor for a term to be fixed by it, fix his salary, and at pleasure remove him, prescribe his powers and duties, provide for the management and operation of the hospital, and shall operate, control, and manage the hospital. If the board determines that it is in the interest of the public so to do, it may appoint a hospital board of not less than three, nor more than nine members, who shall be resident freeholders of the county, and who shall serve without compensation unless the county board authorizes the payment of compensation and reimbursement of expenses for service on the hospital board, which compensation and reimbursement if so authorized notwithstanding the provisions of section 375.44, shall be the same as authorized for service on the county welfare board. Subject to its supervision, the county board may commit the care, management, and operation of the hospital to such hospital board and may provide for the organization of such hospital board, its duties and the duties of the members thereof, and such further regulation in reference thereto and to the management, operation, and control of the hospital as are proper, necessary, or desirable. The county board may lease and let

MINNESOTA STATUTES 1984

unto a responsible hospital association such hospital grounds and buildings upon such terms as it deems advisable. Sections 376.01 to 376.06 do not permit any county board to purchase, erect and construct any such hospital buildings or to pay therefor without first submitting the question to the vote of the people. No such purchase, erection or construction of buildings or payment therefor may be made unless a majority of the electors voting upon the proposition vote in favor thereof.

Subd. 2. A county commissioner may be appointed by the board of which he is a member to any hospital board as provided in Minnesota Statutes 1961, Sections 376.009 to 376.09, except that this subdivision shall not apply to any hospital board operating a county hospital as defined in Minnesota Statutes 1961, Section 376.009 located in a city of the first class.

History: 1913 c 392 s 6; 1951 c 326 s 1; 1955 c 808 s 7; 1959 c 291 s 1; 1963 c 308 s 1; 1971 c 24 s 48 (682)

376.07 ADDITION TO COUNTY HOSPITAL.

When, pursuant to the provisions of sections 376.01 to 376.06, the county board of any county has been heretofore, or shall have been hereafter, authorized by the voters to construct an addition to the county hospital of such county, whether or not also authorized to equip such addition, and the board shall have ascertained and determined that such addition, whether with or without equipment, cannot be completed within the cost authorized, or shall have determined that, to complete the improvement, certain alterations should be made, or fixtures or equipment added, either in the original building, or in the addition, or both, the board may be authorized to expend a specified additional amount for each, any, or all of the purposes herein mentioned, either by vote of the people of the county at a general or special election, at which the proposition so to do shall be submitted and disposed of substantially in the manner provided by sections 376.01 to 376.06; or, in lieu of a vote at such an election, by petition of a number of voters of the county equal to a majority of the votes cast therein at the last preceding general election. Such petition may be in the form of one document or of several documents of substantially like tenor and effect, and shall be filed with the county auditor. Any special election thereunder may be called in any manner by law provided for the calling of special county elections. Upon authority being granted by the voters, in either manner herein provided, the board may thereupon proceed accordingly and, if it shall have theretofore made or attempted to make a contract or contracts in excess of the authority first granted, may ratify and carry out such contracts, or any thereof.

History: 1927 c 106 s 1 (682-1)

376.08 COUNTIES, APPROPRIATIONS FOR HOSPITALS AND NURSING HOMES.

The board of county commissioners in any county in this state having 50,000 inhabitants, or less, is hereby authorized to appropriate from the general revenue fund of such county a sum not exceeding \$65,000 in any one year to aid in the acquisition of lands for hospital purposes, the erection, construction, improvement, alterations, equipment and maintenance of hospitals within such county and may appropriate from the general revenue fund of such county a sum not exceeding \$25,000 for the acquisition of land and construction of municipally owned nursing homes within such county.

History: 1909 c 210 s 1,2; 1915 c 326 s 1,2; 1949 c 419 s 1; 1955 c 275 s 1; 1957 c 453 s 1; 1965 c 72 s 1; 1967 c 372 s 1 (684, 685)

MINNESOTA STATUTES 1984

7707

HOSPITALS, SANATORIUMS, NURSING HOMES 376.09

376.09 AID TO HOSPITALS IN COUNTIES HAVING NO COUNTY HOSPITAL.

In any county in this state in which there is no county hospital the county board is hereby authorized and empowered to appropriate and pay from the general fund of the county, as aid in the erection, construction, and maintenance in such county of a hospital for the treatment of sick, diseased, and injured persons, a sum not exceeding \$5,000, and preference shall always be given in the admission to such hospital of such patients as are, in whole or in part, public charges, and are sent thereto by the county board.

History: 1913 c 123 s 1 (683)

- 376.10** [Repealed, 1949 c 283 s 1]
- 376.101** [Repealed, 1965 c 45 s 72]
- 376.102** [Repealed, 1965 c 45 s 72]
- 376.103** [Repealed, 1965 c 45 s 72]
- 376.104** [Repealed, 1965 c 45 s 72]
- 376.105** [Repealed, 1965 c 45 s 72]
- 376.106** [Repealed, 1965 c 45 s 72]
- 376.107** [Repealed, 1965 c 45 s 72]
- 376.108** [Repealed, 1965 c 45 s 72]
- 376.109** [Repealed, 1965 c 45 s 72]
- 376.11** [Repealed, 1949 c 283 s 1]
- 376.111** [Repealed, 1965 c 45 s 72]

NOTE: Laws 1965, Chapter 45, Section 72 reads as follows:

"Minnesota Statutes 1961, Sections 376.101 to 376.111 are repealed, except that the provisions thereof relating to the issuance of bonds and regulating the making and allocating of levies for the payment of such bonds and interest thereon shall remain in force."

- 376.12** [Repealed, 1949 c 283 s 1]
- 376.13** [Repealed, 1949 c 283 s 1]
- 376.14** [Repealed, 1949 c 283 s 1]
- 376.15** [Repealed, 1949 c 283 s 1]
- 376.16** [Repealed, 1949 c 283 s 1]
- 376.17** [Repealed, 1949 c 283 s 1]
- 376.18** [Repealed, 1980 c 357 s 22]
- 376.19** [Repealed, 1980 c 357 s 22]
- 376.20** [Repealed, 1980 c 357 s 22]
- 376.21** [Repealed, 1980 c 357 s 22]
- 376.22** [Repealed, 1980 c 357 s 22]
- 376.23** [Repealed, 1957 c 79 s 2]
- 376.231** [Repealed, 1980 c 357 s 22]
- 376.24** [Repealed, 1980 c 357 s 22]
- 376.25** [Repealed, 1980 c 357 s 22]
- 376.26** [Repealed, 1980 c 357 s 22]
- 376.27** [Renumbered 376.523]
- 376.28** [Repealed, 1980 c 357 s 22]
- 376.29** [Repealed, 1980 c 357 s 22]
- 376.30** [Repealed, 1980 c 357 s 22]

MINNESOTA STATUTES 1984

376.09 HOSPITALS, SANATORIUMS, NURSING HOMES

7708

- 376.31 [Repealed, 1980 c 357 s 22]
- 376.32 [Repealed, 1980 c 357 s 22]
- 376.33 [Repealed, 1980 c 357 s 22]
- 376.34 [Repealed, 1980 c 357 s 22]
- 376.35 [Repealed, 1980 c 357 s 22]
- 376.37 [Repealed, 1980 c 357 s 22]
- 376.38 [Repealed, 1980 c 357 s 22]
- 376.39 [Repealed, 1980 c 357 s 22]
- 376.40 [Repealed, 1980 c 357 s 22]
- 376.41 [Repealed, 1980 c 357 s 22]
- 376.42 [Repealed, 1980 c 357 s 22]
- 376.423 [Repealed, 1980 c 357 s 22]
- 376.424 [Repealed, 1980 c 357 s 22]
- 376.43 [Repealed, 1961 c 132 s 1]
- 376.44 MS 1949 [Renumbered 376.44, subdivision 1]
- 376.44 MS 1978 [Repealed, 1980 c 357 s 22]
- 376.45 [Renumbered 376.44, subd 2]
- 376.46 [Renumbered 376.44, subd 3]
- 376.47 [Renumbered 376.44, subd 4]
- 376.48 [Renumbered 376.44, subd 5]
- 376.49 [Repealed, 1980 c 357 s 22]
- 376.50 [Repealed, 1980 c 357 s 22]
- 376.51 [Repealed, 1974 c 435 art 6 s 1]
- 376.52 [Repealed, 1980 c 357 s 22]
- 376.523 [Repealed, 1980 c 357 s 22]
- 376.53 [Renumbered 375.197]
- 376.54 [Repealed, 1980 c 357 s 22]

NURSING HOMES

376.55 COUNTY NURSING HOME.

Subdivision 1. **Authority.** (a) Any county singly, or any group of counties acting jointly are hereby authorized to establish a county nursing home, in sections 376.55 to 376.57 and 376.58 to 376.60 also termed "nursing home," for the care and treatment of chronically ill or convalescent persons with the consent of a majority of the county board;

(b) In addition to its usual meaning, the phrase "chronically ill or convalescent persons" as used in sections 376.55 to 376.57 and 376.58 to 376.60 includes persons who need nursing home care because old age or infirmity renders them unable to properly care for themselves;

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

Subd. 2. **Establishment.** The county board of any county, or any group of counties acting jointly, may establish a nursing home and a facility for supportive services as provided in sections 376.55 to 376.57 and 376.58 to 376.60, by converting suitable existing county owned buildings, by leasing suitable premises, or by acquir-

MINNESOTA STATUTES 1984

7709

HOSPITALS, SANATORIUMS, NURSING HOMES 376.56

ing a suitable site by gift, purchase, or condemnation proceedings instituted in the name of the county or counties and erecting suitable buildings which are equipped, maintained, enlarged or otherwise modified to be the same as a nursing home.

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

Subd. 4. Purchase of interest in existing home. Any county, not maintaining a nursing home, either alone or in connection with another or other counties, may purchase an interest in an existing county nursing home if the county board or boards owning such nursing home decide by majority vote of each county board to admit such county. The sum to be paid for admission to ownership shall be fixed by the county board or boards owning such home with due regard for their investment in such home. Any county admitted under this provision shall have all the rights and privileges provided for in sections 376.55 to 376.57 and 376.58 to 376.60.

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

Subd. 6. Withdrawal of interest. Any county board may withdraw its interest in any county nursing home if the county board or boards owning such nursing home decide by majority vote of each county board to allow such withdrawal. The sum to be paid to the county withdrawing shall be fixed by the county board or boards owning such home with due regard for their investment in such home.

History: 1951 c 610 s 1; 1953 c 248 s 1; 1955 c 610 s 1; 1957 c 865 s 1,2; 1959 c 16 s 1,2; 1959 c 146 s 1; 1984 c 528 s 1

376.56 TAX LEVIES AND BONDS.

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

Subd. 2. The proceeds of taxes for costs of maintenance and operation shall be paid by the county by which they are collected into a county nursing home fund, which, in the case of counties operating jointly, shall be kept in the treasury of the county in which the nursing home is located and shall be expended as provided in sections 376.55 to 376.66.

Subd. 3. Bonds issued under section 376.55, subdivision 3, may be general obligations of the county and may be issued and sold, and taxes levied for their payment in accordance with chapter 475. No election shall be required to authorize the issuance of such bonds for the purpose of improving, remodeling, or replacing an existing nursing home without increase of the number of accommodations for residents. The revenues of the nursing home shall also be pledged for the payment of the bonds and interest and premium, if any, thereon. A portion of the proceeds may be deposited in the debt service fund for the issue, to capitalize interest and create a reserve for the purpose of reducing or eliminating the tax otherwise required by section 475.61 to be levied before issuing the bonds. The remaining proceeds

from the sale of the bonds and any surplus funds transferred pursuant to section 376.55, subdivision 3 shall be credited to and deposited in the county nursing home building fund of the county in which the nursing home is located.

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

History: 1951 c 610 s 2; 1959 c 146 s 2; 1984 c 528 s 2

376.57 DETERMINATION TO ESTABLISH.

In establishing a jointly owned and operated county nursing home or facility for supportive services, each of the cooperating counties shall determine by a majority vote of the county board of that county that it is in favor of the establishment of the home or of the facility, the place of its location, the approximate amount to be expended for the establishment of the proposed nursing home or facility under the authority provided in section 376.55 and authorize the payment by that county of its proportionate share of that cost of establishment. The proportion of costs of that establishment, and of costs of maintenance and operation of the nursing home or facility to be paid by each county shall be set by terms agreed upon by each of the participating counties.

History: 1951 c 610 s 3; 1957 c 865 s 3; 1984 c 528 s 3

376.573 [Repealed, 1984 c 528 s 8]

376.58 SUPERVISION.

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

Subd. 2. **Nursing home administrative board; creation; compensation.** Whenever two or more counties, through their boards of county commissioners, have agreed to maintain a county nursing home and facility for supportive services under the authority provided in section 376.55, the county commissioners of each county shall designate a board from each of the cooperating counties as the county nursing home administrative board. Immediately after their designation as the county nursing home administrative board, the boards of the cooperating counties shall hold a joint meeting and elect a chairman, vice chairman and secretary who shall be the executive committee; provided, however, that each county shall have not less than one representative on the executive committee, provided also that where more than three counties participate in establishing a nursing home, the executive committee shall be expanded by one member for each additional county above three to the end that no county will have less than one member on the executive committee. The joint meeting of the county boards that have been designated as the county nursing home administrative board shall, in the first instance, be called by the chairman of the county board of the county in which the county commissioners have agreed to locate the proposed home and facility, and thereafter they shall meet annually, and at such other times as are deemed necessary.

Members of the county nursing home administrative board, and its executive committee, other than members of board of county commissioners, for each day spent in transacting the business of the board or the committee shall be compensated and each member, including members of board of county commissioners, may be reimbursed for necessary expenses incurred by them in connection with their official duties; such compensation and reimbursement for expenses shall be paid from the county nursing home fund in a manner and amounts agreed upon by the county boards. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to county commissioners pursuant to section 375.055, subdivision 1.

Subd. 3. Nursing home administrative board; powers, duties. The county nursing home administrative board shall have the power to establish, operate and maintain a county nursing home and facility for supportive services within the limits prescribed in sections 376.55 to 376.57 and 376.58 to 376.60. The county nursing home administrative board may delegate to the executive committee defined in subdivision 2 the authority to supervise the establishment, management and operation of the county nursing home and facility for supportive services including the approval of expenditures and such other business as is necessary for the efficient operation of the home within such general policies as have been established by the county nursing home administrative board. The county nursing home administrative board may authorize a sum to pay incidental expenses of the nursing home in accordance with the provisions of section 375.16.

Subd. 4. Expenditures, approval. The county nursing home administrative board, or its executive committee, if so designated as provided in subdivision 2, shall approve by a majority vote all expenditure vouchers, and the chairman of the board or committee approving them shall thereafter transmit them to the county auditor of the county in which the home and facility are located for payment.

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

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

Subd. 7. Resident funds; unclaimed money. The administrator of a county nursing home shall have the care and custody of all moneys belonging to residents which may lawfully come into his hands and keep accurate accounting records of all transactions concerning such moneys as prescribed by the commissioner of health and the commissioner of human services.

History: 1951 c 610 s 4; 1959 c 159 s 1; 1965 c 351 s 1; 1975 c 301 s 12; 1984 c 528 s 4; 1984 c 654 art 5 s 58

376.59 COUNTY BUILDING FUNDS.

When a county nursing home administrative board is satisfied that each county in a cooperating group of counties has available its share of the cost of establishing the nursing home and facility for supportive services, it shall so certify to the county board of each cooperating county, which shall order the county treasurer of that

MINNESOTA STATUTES 1984

county to pay over to the treasurer of the county in which the nursing home is to be located, the county nursing home building funds in the possession of the county treasurer. The county nursing home's administrative board shall then proceed to carry out the purposes of sections 376.55 to 376.57 and 376.58 to 376.60.

History: 1951 c 610 s 5; 1984 c 528 s 5

376.60 ADMINISTRATIVE BOARD OR EXECUTIVE COMMITTEE; POWERS, DUTIES.

The county nursing home administrative board or its executive committee is authorized:

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

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

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

(4) To perform all other acts necessary to carry out the provisions of sections 376.55 to 376.57 and 376.58 to 376.60, except those with which the county board or boards are specifically charged, including all the powers granted the county by section 376.55, subdivision 2, and specifically the authority to institute condemnation proceedings in the name of the county or counties involved, which shall be conducted in the manner provided by Minnesota Statutes 1949, chapter 117, in the case of other condemnation proceedings by counties.

History: 1951 c 610 s 6; 1984 c 528 s 6

376.61 [Repealed, 1984 c 528 s 8]

376.62 [Repealed, 1984 c 528 s 8]

376.63 [Repealed, 1984 c 528 s 8]

376.64 [Repealed, 1984 c 528 s 8]

376.65 [Repealed, 1984 c 528 s 8]

376.66 [Repealed, 1984 c 528 s 8]