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Private Acts of 1963 Chapter 91

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Private Acts of 1963 Chapter 91

SECTION 1. That there is hereby created and established in McNairy County, Tennessee, a Board of Trustees to be known and designated as the "McNairy County General Hospital Board of Trustees", to have full charge of the operation and maintenance of the McNairy County General Hospital in McNairy County, Tennessee. **SECTION 2.** That the Board of Trustees shall have and be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the McNairy County General Hospital, including the selection and approval of a competent medical staff, and shall:

1. Determine the policies of the hospital, with relation to the patients therein and to community needs.
2. Provide equipment and facilities consistent with the needs of the patients of said hospital.
3. See that professional standards are maintained in the care of the sick.
4. Coordinate professional interest with administrative, financial and community needs.
5. Provide adequate finances, by securing sufficient income and by enforcing businesslike control of expenditures.
6. Provide for the safe administration of funds entrusted to said hospital.
7. Keep adequate records of the hospital finances and activities.

The authority and responsibility of the Board of Trustees shall include, but shall not be limited to the establishment, promulgation, and enforcement of rules, regulations and policies of the hospital, the upkeep and maintenance of all property belonging to the hospital, the administration of all fiscal affairs of the hospital, the execution of all contracts, agreements and other instruments and the employment, compensation, discharge and supervision of all personnel.

SECTION 3. That said Board of Trustees shall be composed of seven in number, who shall serve without compensation and who shall be elected in the manner and for the term hereinafter provided, but the members of said Board may be paid their necessary expenses, incurred in the proper discharge of their duties, as members of the Board.

SECTION 4. That upon and after ratification of this private act, at the next July term of said Court, there shall be elected two members of said Board to serve for a period of 1 year, whose terms shall expire on the second Monday of July, 1964, and two members of said Board to serve for a period of two years, whose term shall expire the second Monday of July, 1965, and three members of said Board for a period of three years, whose term shall expire the second Monday of July, 1966, and at each succeeding July term of said Court there shall be elected successors to serve upon said Board for the members whose term expires as above stated, and who shall be elected for a period of three years, and all members of said Board at the expiration of the term of the initial members shall serve for a period of three years, and successors shall be elected three years thereafter, at the July term of said Quarterly Court in the manner hereinafter provided.

SECTION 5. That as the respective terms of the Trustees expire, their successors shall be elected by the County Commission of McNairy County, Tennessee, and for each position filled, the remaining Trustees shall submit one (1) nominee to the County Commission of McNairy County not less than thirty (30) days prior to the next regular meeting of the County Commission at which such election is to be held; provided, however, the County Commission by majority vote may elect a successor Trustee or Trustees not nominated by the remaining Trustees.

As amended by: Private Acts of 1990, Chapter 136

Members of the Board of Trustees shall be citizens of McNairy County, Tennessee. No person shall be a member of the board if he is:

1. An employee of the Board;
2. A member of the medical staff or a licensed doctor, physician, or a registered nurse;
3. An elected member of County Government, or a physician with the Tennessee Department of Public Health or the Department of Public Welfare, or the United States Public Health Service.

SECTION 6. That a Trustee, whose term has expired, shall continue to serve until his successor shall have been elected in the manner hereinabove provided. In the event of the death or resignation of a Trustee, prior to the expiration of his term, his successor shall be elected by the Quarterly County Court, for the unexpired term, from a list of names submitted by the remaining members of the Board of Trustees in the same manner as the deceased or retiring Trustee was elected. Any Trustee shall be eligible

for re-election.

SECTION 7. That at the first meeting of the Board of Trustees, the Board shall elect one of its members as Chairman, who shall serve for a period of two years (2), and the term of office of the Chairman of the Board shall be for a period of two years. The Board shall also elect a secretary from among its members, who shall keep minutes and records of the proceedings of the Board, reflecting all business transacted by the Board. The Board of Trustees shall hold a regular meeting on the fourth Wednesday of each month, and such other meetings as the Board may decide, and the Board is empowered and authorized to change the date of the regular meeting of the Board, by resolution entered upon the minutes of the Board.

SECTION 8. That the Board of Trustees shall have authority to employ and appoint a Hospital Administrator for said hospital who shall hold office at the pleasure of the Board. The Administrator shall not be a member of the Board of Trustees, but shall be a qualified person, experienced in hospital administration, whose duties and responsibilities shall be as herein designated, and as shall be determined and prescribed by the Board of Trustees. The Board of Trustees shall select and approve the medical staff of the hospital, and all doctors, physicians, and surgeons, composing the medical staff of said hospital.

SECTION 9. That the Administrator employed by the Board, shall;

1. Be the chief executive officer of the hospital, subject to the by-laws, rules and regulations adopted by the Board, and shall be under control and direction of the Board of Trustees.
2. With the consent of the Board of Trustees, equip the hospital with all necessary furniture, appliances, fixtures, equipment, and needed facilities for the care and treatment of patients and for the use of the officers and employees thereof.
3. Be the purchasing agent for the hospital, and purchase all the necessary supplies in such manner as shall be determined by the Board of Trustees.
4. Have the general supervision and control of the records, accounts, and bills of the hospital, and all internal affairs, and shall maintain discipline therein, and shall enforce compliance with and obedience to all rules, by-laws and regulations adopted by the Board of Trustees for the government, discipline and management of said hospital, and the employees and patients thereof.
5. Make such further rules, regulations, and orders, as he may deem necessary, not inconsistent with law or the rules and regulations of the Board of Trustees.
6. Under such rules and regulations, and within the limits and in the manner prescribed by the Board of Trustees employ such necessary personnel, including nurses' aides, supervisors, technicians and such other technical and general employees as shall be necessary or proper, for the efficient performance of the business of the hospital, prescribe their duties and discharge such employees at his discretion.
7. Keep or cause to be kept proper records and accounts of the business and operations of the hospital regularly, from day to day, in the books and records provided for that purpose and prescribed by the Board of Trustees and see that such records and accounts are correctly made up for the report of the Board of Trustees to the Quarterly County Court of McNairy County, Tennessee, as hereinafter required.
8. Collect, or cause to be collected, and receive all monies due the hospital and such monies, when collected, shall be deposited in the bank or banks as designated by the Board of Trustees, in the same form as received, shall keep an accurate account of the same, shall pay the expenses of the operation of the hospital from funds available only by check drawn on the bank or banks designated by the Board of Trustees, in such manner as the Board of Trustees may direct. A complete report of the operations of the hospital shall be presented by the Administrator to the monthly meetings of the Board of Trustees.
9. Before entering upon the discharge of his duties, the Administrator shall give a bond in such sum as the Board of Trustees may determine, to secure the faithful performance of his duties, the cost of the same to be included in the expense of the operation of the hospital.
10. Perform such other duties as the Board of Trustees may prescribe.

SECTION 10. That the Board of Trustees shall fix the salary of Administrator and other employees of the hospital within the limits of funds available for the maintenance and operation of said hospital.

SECTION 11. That the Board of Trustees shall have the general superintendance(sic), management, and control, of said hospital, the hospital grounds, buildings, officers, and employees thereof, of the patients therein and all the matters relating to the government, discipline, contracts, and fiscal concerns thereof, and make such other by-laws, rules and regulations as may be deemed by said Board necessary for the efficient and proper management and operation of said hospital, and for the carrying out of the purpose for which said hospital was established.

SECTION 12. That the Board of Trustees shall have the books, records, and accounts, of the hospital audited by a reputable firm of independent Certified Public Accountants, for each fiscal year of the operation of the hospital, the audit to be completed within a reasonable time after the close of the fiscal year of the hospital. One copy of the audit shall be filed with the County Court Clerk of McNairy County, Tennessee, and one copy furnished the County Judge of McNairy County.

The audit shall correctly set forth the operations of the hospital for the fiscal year.

The Board of Trustees shall annually present to the Quarterly County Court of McNairy County, Tennessee, at the July term of said Court, a report setting forth the operation of said hospital, both financially and otherwise, with such recommendations as to the financial needs of said hospital, and as to the equipment needed or improvements necessary or desirable for the efficient and proper operation of the hospital, in order to furnish the patients in said hospital the proper care and attention.

SECTION 13. That the Quarterly County Court of McNairy County, Tennessee, is hereby authorized to appropriate to the McNairy County General Hospital, for the use of the Board of Trustees from the general funds, or such other funds not appropriated of said county, such sum as may be required to operate said hospital, and said Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes upon all taxable property with McNairy County, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 14. That if any clause, sentence, paragraph, section, or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid, if any.

SECTION 15. That this Act shall have no effect, unless the same shall have been approved by a majority vote of the Quarterly County Court of McNairy County, Tennessee. Its approval or non-approval shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

As amended by:

Private Acts of 1972, Chapter 221

COMPILER'S NOTE: The language of Private Acts 1972, Chapter 221 directs that Section 5 of Private Acts of 1963, Chapter 91 should be amended by striking out the words "two-thirds (2/3)" and inserting instead the word "majority." The words two-thirds, however, do not appear in the 1963 act until Section 15. It seems clear that a typographical error was made and the section to which the 1972 amendment refers is Section 15 and not Section 5.

SECTION 16. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1963.

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