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Private Acts of 1959 Chapter 7

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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,

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Private Acts of 1959 Chapter 7

SECTION 1. That there is hereby created and established in the City of Lexington and Henderson County, Tennessee, a Board of Trustees to be known and designated as the "Lexington-Henderson County General Hospital Board of Trustees," to have full charge of the operation and maintenance of the Lexington-Henderson County General Hospital in Henderson 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 Lexington-Henderson 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 business-like 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.
8. Surround the patients, within said hospital, with every reasonable protection, thereby fulfilling the moral and legal responsibility of the hospital, by exercising proper care and judgment in the selection of a qualified administrator, and of the medical, nursing, technical and other personnel of said hospital.

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.

The board of trustees of the Lexington-Henderson County General Hospital shall have the power and authority to lease or sell any or all of the property, both real and personal, of the Lexington-Henderson County General Hospital. In the event of sale of the whole hospital property, the board is relieved of its duties under this act relative to the operation and management of a hospital.

As amended by: Private Acts of 1983, Chapter 1

SECTION 3. That said Board of Trustees shall be composed of five 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 the initial members of the Board of Trustees shall be as follows: John L. Frizzell and J. T. Stewart to represent the City of Lexington and E. L. Stewart, Ben Douglass and Mrs. John B. Davis to represent Henderson County. All of the said trustees shall take office on April 1, 1959, and the said Ben Douglass shall serve for a term of one year, his term expiring on March 31, 1960; the said J. T. Stewart shall serve for a term of two years, his term expiring on March 31, 1961; the said Mrs. John B. Davis shall serve for a term of three years, her term expiring March 31, 1962; the said John L. Frizzell shall serve for a term of four years, his term expiring March 31, 1963; and the said E. L. Stewart shall serve for a term of five years, his term expiring March 31, 1964. As the respective terms of the two members of said Board representing the City of Lexington shall expire, the Board of Aldermen of the City of Lexington at their regular March meeting prior thereto shall elect successors to serve for a term of three years. As the respective terms of the trustees representing the County of Henderson shall expire, the Quarterly County Court of Henderson County, Tennessee, at the regular January session prior thereto shall elect successors for a term of three years.

SECTION 5. That the three trustees representing Henderson County, Tennessee, shall be citizens of Henderson County, Tennessee, and the two trustees representing the City of Lexington, Tennessee, shall be citizens of Lexington, Tennessee. No person shall be a member of the Board of Trustees if he is:

1. An employee of the Board;
2. A member of the medical staff or a licensed doctor, or physician, or a registered nurse;
3. The holder of a full time remunerative position in the county or city 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 death or resignation of a Trustee prior to the expiration of his term, his successor shall be elected by the Quarterly County Court of Henderson County, Tennessee, or by the Board of Aldermen of the City of Lexington, Tennessee, as the case may be, for the unexpired term. Any incumbent 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 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 Thursday 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 the 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:

1. Shall be the chief executive officer of the hospital, subject to the by-laws, rules and regulations adopted by the Board, and shall be under the control and direction of the Board of Trustees.
2. Shall, 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. Shall be the purchasing agent for the hospital, and purchase all necessary supplies in such manner as shall be determined by the Board of Trustees.
4. Shall have 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. Shall 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. Shall, under such rules and regulations and within the limits and in the manner prescribed by the Board of Trustees and with the advice and consent of said 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. Shall 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 Henderson County, Tennessee, and to the Board of Mayor and Aldermen of the City of Lexington, Tennessee, as hereinafter required.
8. Shall 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. Shall perform such other duties as the Board of Trustees may prescribe.

SECTION 10. That the Board of Trustees shall fix the salary of the Administrator and, with the advice

and consent of said Administrator, the salary of the 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 superintendence, management, and control of said hospital, the hospital grounds, buildings, officers and employees thereof, of the patients therein and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and make such other by-laws [sic] 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 purposes 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, said fiscal year to begin on July 1st of each year, 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 Henderson County, Tennessee, and one copy with the City Recorder of Lexington, Tennessee.

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 Henderson County, Tennessee, at the October term of said Court and to the Board of Mayor and Aldermen of the City of Lexington, Tennessee, at the October meeting of said Board, 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 to be made to the hospital as shall appear to the Board to be necessary for the efficient and proper operation of the hospital, in order to furnish the patients in the hospital the proper care and attention.

SECTION 13. That the Quarterly County Court of Henderson County, Tennessee, is hereby authorized to appropriate to the Lexington-Henderson County General Hospital for the use of the Board of Trustees from the general funds, or such other funds not appropriated [sic] 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 within Henderson County, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 14. That the Board of Mayor and Aldermen of the City of Lexington, Tennessee, is hereby authorized to appropriate to the Lexington-Henderson County General Hospital, for the use of the Board of Trustees from the general funds or such other funds not appropriated of said city, such sum as may be required to operate said hospital, and said Board of Mayor and Aldermen is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within Lexington, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 15. 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.

All Acts, or parts of Acts, in conflict herewith are hereby repealed.

SECTION 16. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Henderson County, Tennessee, and by a two-thirds vote of the Board of Aldermen of the City of Lexington, Tennessee. Said action shall be taken within ninety days after the approval of this Act by the Governor. The approval or non-approval of the Act by the Quarterly County Court of Henderson County, Tennessee, and by the Board of Aldermen of the City of Lexington, Tennessee, shall be proclaimed by the County Judge and Mayor respectively, countersigned by the County Court Clerk and City Recorder respectively, and shall be certified by them to the Secretary of State.

SECTION 17. That this Act shall take effect from any [sic] after its passage, the public welfare requiring it.

Passed: January 21, 1959.

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