



December 20, 2024

Chapter VIII - Health

Dear Reader:

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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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Chapter VIII - Health

Crushed Corn

Private Acts of 1943 Chapter 448

SECTION 1. That the milling of crushed corn in the ear be, and the same is hereby permitted for the purpose of producing feed.

SECTION 2. That the license tags of the miller shall show "Crushed Ear Corn," instead of "Crushed Corn."

SECTION 3. That any laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1943.

Hospital District

Private Acts of 1953 Chapter 176

SECTION 1. That a non-profit Hospital District, to be known as Henry County General Hospital, is hereby created and established for and in behalf of Henry County, Tennessee.

SECTION 2. That said Hospital District shall consist of the following described tract of land, together with all buildings and other improvements thereon and all appurtenances thereunto belonging, located in the First Civil District of Henry County, Tennessee, and more particularly described as follows:

Beginning at the south west corner of this described property at a concrete right-of-way marker in the east right-of-way line of Highway U.S. 79 which is 100 feet east of the center line of said highway; thence south 84 degrees 53 minutes east 1622.7 feet to an iron stake; thence north 04 degrees 02 minutes west 897.8 feet to an iron stake; thence north 85 degrees 32 minutes west 241.60 feet to an iron stake; thence north 05 degrees 26 minutes east 111 feet to a point in the center line of a branch being a part of the north boundary of this described property; thence with the center line of the branch in a north west direction and with its meanderings 665 feet, more or less to a point in the center of said branch; thence leaving branch and running south 11 degrees 50 minutes west 140.0 feet to an iron pin; thence north 78 degrees 08 minutes west 294.3 feet to an iron pin in the east right-of-way line of Highway U.S. 79 which is 100 feet east of the center line of said highway; thence south 19 degrees west 357.5 feet to an iron pin in the east right-of-way line of said highway; thence continuing with said right-of-way line, it being a curved line running in a south west direction, 822 feet approximate to the point of beginning.

The hospital district shall also include the land on which is presently located the Henry County Ambulance Service.

As amended by: Private Acts of 1953, Chapter 524

Private Acts of 1985, Chapter 94

SECTION 3. The medical center shall be operated and controlled by a board of trustees consisting of seven (7) persons. All of the trustees shall be elected by the county commission. Two (2) of the trustees shall be members of the county commission, one (1) shall be a physician, and the remaining members shall be citizens of Henry County at large. Trustees shall serve for terms of four (4) years, staggered in such a manner that no more than two (2) terms expire in any single year. For the purpose of making the two (2) additional appointments under this act, one (1) of the newest members of the board of trustees shall be appointed for an initial term of three (3) years, and the other newest member of the board shall be appointed for an initial term of two (2) years. Following their initial terms, these members shall be eligible for reappointment to additional four-year terms. All other current board members shall be eligible for reappointment to new four-year terms at the expiration of their current terms in place upon the enactment of this act.

The County Commission may recall any member of the board of trustees with or without cause and fill the unexpired term caused by such vacancy; however, no board member serving a term of office as of September 30, 2024, may be recalled during such term (this does not prohibit the recall of such board member during any subsequent term to which such board member may be elected).

As amended by: Private Acts of 1991, Chapter 56

Private Acts of 2015, Chapter 7
Private Acts of 2024, Chapter 42

The initial members of the Board shall be A. C. Jackson, who shall serve for a term of one year; Wayne A. Cox, who shall serve for a term of two years; N. C. Bowden, who shall serve for a term of three years; J. T. VanDyck, who shall serve for a term of four years, and W. K. Porter, who shall serve for a term of five years. The terms of said members shall begin three months after the official opening date of said hospital.

For the first three months immediately after the official opening of said hospital the Board of Trustees shall consist of M. E. Warren, W. K. Porter, J. D. Porter, J. T. VanDyck, E. J. Carter, J. J. Thompson and H. H. Hancock.

As amended by: Private Acts of 153, Chapter 524
Private Acts of 1985, Chapter 95

SECTION 4. That at the expiration of the term of office of each member of the Board, the Quarterly County Court at its next regular session shall elect his successor for a term of five years. Should a vacancy occur on said Board for any reason, during the unexpired term of any member, then, in that event, such vacancy shall be filled by the Quarterly County Court at its next regular meeting for the remainder of such unexpired term.

Members of said board shall be citizens of Henry County, Tennessee. No person shall be a member of the board if he is an employee of the board.

The Board shall meet as soon as possible after its term of office begins for the purpose of (1) electing one of the members as Chairman, (2) the selection of a person to serve as Hospital Administrator, who shall be Chief Executive of the Hospital District and Secretary-Treasurer of the Board, who shall execute bond for the faithful performance of his said duties as Secretary-Treasurer, in an amount to be fixed and determined by said Board. As soon as practicable the Board shall promulgate and record on permanent record the rules under which it will operate. The proceedings of all meetings shall be recorded in an official minute book which shall be a public record.

As amended by: Private Acts of 1980, Chapter 314

SECTION 5. That said Board shall hold regular meetings monthly on a date which it shall establish. The Board may on call of the Chairman hold special meetings at any time under rules which it shall establish.

(A) The Board shall have the responsibility and authority to:

- (i) Control the property and facilities of the Hospital District;
- (ii) Purchase real estate with the approval of the County Commission;
- (iii) Sell or lease, with the approval and authorization of the County Commission, any portion of the real estate that the District owns and to execute leases and deeds therefor when authorized to do so by the County Commission;
- (iv) Sell or lease personal property that the District owns in the ordinary course of business;
- (v) Receive all moneys for Hospital purposes, including tax receipts from the County Trustee's office, and to disburse all such moneys in cash or by check;
- (vi) Make contracts for goods and services;
- (vii) Establish rules and regulations governing the property of the District, its uses and management;
- (viii) Erect buildings, to employ, define the duties of, fix compensation of, and to discharge employees of the District; and
- (ix) To act for and on behalf of Henry County, Tennessee, in the discharge of its mission as set forth in Section 6 of this Act.

(B) Notwithstanding any other provision of this Act or other applicable law:

- (i) The County Commission is vested with sole authority (a) to sell or lease any portion of the real estate which the District owns (including that described in Section 2 of this Act) and (b) to sell or lease personal property that the District owns outside the ordinary course of business. This authority includes, without limitation, the power to sell or lease any and all of the District's assets to one (1) or more other public or privately owned entities;
- (ii) The proceeds from any sale or lease of the District's assets under this subsection shall first be applied to pay indebtedness which the County incurred or guaranteed on behalf of the District, unless the County Commission specifically directs that all or any portion of the proceeds be paid instead to the District for its general purposes; and

(iii) The County Mayor is authorized to execute any deeds of conveyance, leases, bills of sale and other assignments, agreements, certificates and documents necessary or convenient to complete the sale of assets directed by the County Commission under this subsection.

(C) In the event that the sale or lease of assets outside the ordinary course of business renders the District financially unable to render hospital, ambulance, nursing home, or other services that the District is authorized or required to provide by this Act, the District shall be relieved of any requirement to provide such services unless and until the District is adequately funded to provide such services at or above the applicable standards of care.

As amended by: Private Acts of 1991, Chapter 56
Private Acts of 2015, Chapter 7
Private Acts of 2024, Chapter 42

SECTION 6. That the mission of the Hospital District shall be to manage the property of the Hospital District, and to provide Hospital service of the highest quality consistent with generally recognized standards of hospital service, and with the physical facilities provided and with the limitations imposed by the Budget. Such services shall be rendered to any person who makes satisfactory financial arrangements for his service and who is certified for entrance by a practicing physician; and to any person regardless of financial arrangements, if (1) in the opinion of a member of the staff of physicians of the hospital, the physical well being of the person is seriously and eminently endangered by delay in providing the service, or (2) it is determined after due investigative procedure of the Board of Trustees or its delegated representatives that such person, if a resident of Henry County, is without any means whatsoever to pay for such services and it is certified by a physician of the hospital staff that such person is in need of such services. No charity patients shall be admitted from outside Henry County, Tennessee except, as prior arrangements for pay for hospital services are made by another political sub-division.

The hospital district shall provide ambulance services of the highest quality consistent with the generally recognized standards of like services with the physical facilities provided and within the limitations imposed by the budget. Such services shall be rendered to any person who makes satisfactory financial arrangements for his service and who is, in the opinion of the agents and servants of the hospital district acting under the rules promulgated by the board of trustees in need of such services, and to any person regardless of financial arrangements, if the physical well being of the person is seriously and imminently endangered by delay in the provision of such services, or any person who is without any means whatsoever to pay for such services. No such ambulance services shall be rendered outside Henry County, Tennessee, except if prior arrangements for pay for ambulance services are made by another political subdivision. The hospital district will provide ambulance services in the same manner as previously provided by the Henry County ambulance service pursuant to Chapter 24 of the Private Acts of 1969, as amended, except to the extent such provision of services would conflict with the rules and regulations for the operation of the hospital district as are established by the board of trustees of the hospital district and other provisions of this Act.

The Hospital District may provide nursing home services in the same manner as previously provided by the Henry County Nursing Home Board of Directors pursuant to Chapter 354 of the Private Acts of 1968, as amended, except to the extent such provision for services would conflict with the rules and regulations for the operation of the Hospital District as are established by the Board of Trustees of the Hospital District and other provisions of this Act.

As amended by: Private Acts of 1991, Chapter 56
Private Acts of 2015, Chapter 7
Private Acts of 2024, Chapter 42

SECTION 7. That said board shall, with the advice of the county executive, and in accordance with the Budget Law of Henry County, prepare and present to the county commission a suggested budget adopted for it by the county commission. The board shall make an informal financial statement in writing to each regular meeting of the county commission covering the previous three (3) months operations.

The books of the Hospital District shall be audited annually by a certified public accountant selected by the Board and County Judge, and approved by the Quarterly County Court; and said auditor's report shall be made to the County Judge and the Quarterly County Court at its first meeting following completion of said audit. All such financial statements, formal and informal, shall become a part of the minutes of the Quarterly County Court.

As amended by: Private Acts of 1980, Chapter 314

SECTION 8. That the Quarterly County Court of Henry County, Tennessee is hereby authorized to appropriate to the Hospital District from the General Funds of the County such sums as may be required to commence the operation of said District, including all sums heretofore budgeted therein for Hospital purposes, and also the sum of \$50,000.00 derived from the sale of Hospital Bonds, now in the hands of the County Trustee to commence the operation of said District. Thereafter to appropriate such sums

collected from the levy of taxes for Hospital purposes as may be required in the operation and maintenance of said District; and Henry County is authorized and empowered, also, to levy a tax for this purpose, not exceeding 50 cents per one hundred dollars upon all taxable property within Henry County, Tennessee.

SECTION 9. That if any section or part of section of this Act proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Act, unless it clearly appears that such other section or part of section is wholly or necessarily dependent for its operation upon the section or part of section held to be unconstitutional or invalid.

SECTION 10. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 17, 1953.

Nursing Home Authority

Private Acts of 1961 Chapter 158

SECTION 1. That Henry County, Tennessee is hereby authorized to construct a nursing home for said county and to acquire a site therefor.

SECTION 2. That such home shall be operated so as to make available professional nursing care to non-ambulatory aged and infirm persons, whether indigent or not, residing in such county, provided that the Quarterly County Court of Henry County shall make such provision as it considers necessary and desirable for payment by such of the inhabitants of said home as are able to do so for services rendered to them by said home.

SECTION 3. That said home shall be conducted in the manner and by the officials prescribed by the Quarterly County Court of Henry County.

SECTION 4. That for the purpose of constructing said home and acquiring a site therefor, the Quarterly County Court of Henry County is hereby authorized to issue bonds in such amount as is considered necessary for such purpose by said Quarterly County Court. Such bonds shall be issued and shall be payable in the manner prescribed by the County Recovery and Post War Aid Act of 1945 (Tennessee Code Annotated, Sections 5-1101 to 5-1125, inclusive).

SECTION 5. That Henry County is hereby authorized to lease or otherwise dispose of such nursing home for such period of time and upon such terms as may be determined by the Quarterly County Court of said County.

SECTION 6. That if Section 5 of this Act or any other provision or provisions of this Act or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid, the remaining provisions hereof and the application thereof to persons or circumstances other than those to which it is held to be invalid shall not be affected thereby.

SECTION 7. That all laws or parts thereof in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 8. That this Act shall have no effect unless the same be approved by a two-thirds (2/3) vote of the Quarterly County Court of said county. The presiding officer of such body shall proclaim its approval or non-approval and certify the same to the Secretary of State.

Passed: March 2, 1961.

Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1935 (Ex. Sess.), Chapter 65, provided that in Henry County the duties then imposed by law upon Poor House or County Asylum Commissioners be performed by the Work House Commissioners along with all the powers and duties formerly vested in such Poor House or County Asylum Commissioners.
2. Private Acts of 1959, Chapter 300, authorized the construction of a Home for the Aged in Henry County. The home was to be operated by a five member Board of Trustees who would be compensated as prescribed by the Quarterly County Court. The Trustees were to be elected by the Quarterly County Court. The mission of the Board was to manage the property of the home and provide the highest quality home care for the aged. The budget was to be submitted to the Quarterly County Court for approval and an annual audit to be conducted. This act never received approval by the proper authorities, thus it never became law.

3. Private Acts of 1969, Chapter 24, created a non-profit ambulance service in Henry County to be known as Henry County Ambulance Service. The Ambulance Service was to be operated and controlled by a Board of Trustees who would be paid \$5 per month for their services. The Quarterly County Court would select the successors of the initial members at the expiration of their respective terms. The Board of Trustees was authorized to prepare a informal financial statement for the Quarterly County Court for its regular meetings covering the previous three months operation. The act provided for the books to be audited annually by a Certified Public Accountant selected by the Board and the County Judge and approved by the Quarterly County Court.
4. Private Acts of 1975, Chapter 113, amended Private Acts of 1969, Chapter 24, by allowing for an audit to be done on the Henry County Ambulance Service by a Certified Public Accountant as well as a Public Accountant.
5. Private Acts of 1980, Chapter 307, amended Private Acts of 1975, Chapter 113 and Private Acts of 1969, Chapter 24, to provide that the budget of the Henry County Ambulance Service prepared by its Board of Trustees be submitted to the County Commission for its approval in lieu of the Quarterly County Court.
6. Private Acts of 1985, Chapter 93, amended Private Acts of 1969, Chapter 24, as amended to provide that the Board of Trustees for the Henry County Ambulance Service be five in number and compensated at one-half the rate established by law from time to time for compensation for County Commissioners attending meetings of the County Commission. The act also required that the Board hold regular monthly meetings.
7. Private Acts of 1985, Chapter 94, repealed Private Acts of 1969, Chapter 24, as amended.
8. Private Acts of 1994, Chapter 157, repealed Private Acts of 1968, Chapter 354, which had created and established a non-profit Nursing and Rest Home District, to be known as Henry County Nursing and Rest Home District.

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