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# Nursing Home and Hospital

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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](http://www.ctas.tennessee.edu)

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# Nursing Home and Hospital

## Private Acts of 1967 - 68 Chapter 248

**SECTION 1.** That, there is hereby created and established a Board of Trustees consisting of seven (7) members which is vested with exclusive management, supervision and control of the Hamilton County Nursing Home, rest home and/or home for the aged, and the Hamilton County Alms House and Asylum, known as the William L. Bork Memorial Hospital, located in Silverdale, Hamilton County, Tennessee, together with all properties, personnel and the entire operations pertaining thereto including but not limited to the right to designate such portions of said properties to be used for the various operations as needed, and to lease any part or all of said facilities to any responsible individual, firm, association, trustee, corporation organized for public welfare or profit, or otherwise. The Hamilton County legislative body, the governing body of the county, is hereby divested of its jurisdiction, management and control of said institutions, and the personnel thereof, and the same is hereby vested in said Board of Trustees. The Board of Trustees shall be appointed by the county executive and confirmed by the county legislative body. All appointments shall be made by the county executive for four (4) years, with the exception of appointments made for unexpired terms where a vacancy is caused by death, resignation or removal. The Board of Trustees is subject to termination pursuant to the provisions of this act. The appointments so made shall be spread on the Minutes of the Hamilton County legislative body.

As amended by: Private Acts of 1997, Chapter 56

**SECTION 2.** That funds for the operation of said properties and its personnel and entire operations shall continue to be furnished by Hamilton County, although the disbursement of such funds shall be exclusively within the power of the Board of Trustees. Provided, however, in the event said Board of Trustees leases any part or all of said facilities to any responsible individual, firm, association, trustee, corporations organized for public welfare or profit, or otherwise, any and all appropriations from Hamilton County will cease as of the effective date of any such lease with respect to the leased facility or facilities.

**SECTION 3.** That the Board shall have the exclusive authority to hire personnel necessary to effect the purposes of this Act and the operations of said facilities, to fix wages, and to determine conditions of employment, and to define duties. The Board shall have exclusive authority to make reasonable rules and regulations proper for the operation and maintenance of the institution, and related facilities, and the Board shall also have full and complete authority over the grounds, buildings, personnel, equipment, operations and any and everything pertaining to said facilities.

**SECTION 4.** That the Board shall elect a chairman, a vice-chairman and a secretary and treasurer. The chairman shall preside over all meetings, and in his absence, the vice-chairman shall execute his powers. The secretary-treasurer shall keep a record of all proceedings and all expenditures.

**SECTION 5.** (a) The county legislative body of Hamilton county may by a two-thirds (2/3) vote terminate the Board of Trustees and elect one of the following alternate methods of operation and control of the Hamilton County Nursing Home:

(1) The exclusive management, supervision and control may be vested in Hamilton County general government. The division will be designated by the County Executive and approved by the county legislative body and all powers previously vested in the Board of Trustees is hereby vested in Hamilton County general government; or

(2) That the county legislative body may enter into a contractual agreement with a public and/or private entity for the exclusive management, supervision and control of the Hamilton County Nursing Home. The authority granted to said entity shall include the management, supervision and control of all properties, personnel and the entire operations pertaining to the Hamilton County Nursing Home, including, but not limited to, the right to designate such portions of said properties to be used for the various operations as needed, and to lease, with the approval of the county legislative body, any part or all of the said facilities to any responsible individual, firm, association, trustee, or corporation organized for the public welfare or for profit, or otherwise.

(b) That subsequent to the adoption of this act, the county legislative body may by a two-thirds (2/3) vote elect either of the options in subsection (a) of this section and, thereafter, the county legislative body is further empowered by a two-thirds (2/3) vote to terminate the then current management option and transfer all power and control of the Hamilton County Nursing Home to:

(1) the Board of Trustees;

(2) a department of Hamilton County general government; or

(3) a public and/or private entity by contractual agreement, as set forth by this act.

However, the county legislative body may not terminate the Board of Trustees and immediately transfer all power to a new Board of Trustees.

(c) In the event the county legislative body elects to operate the Hamilton County Nursing Home either by a department of Hamilton County general government or a public and/or private entity by contractual agreement, then such department or private entity is authorized to exercise all powers granted to the Board of Trustees by Section 3.

(d) In the event that the county legislative body terminates the Board of Trustees and contracts with a private entity or operates the Hamilton County Nursing Home through a department of Hamilton County general government and subsequently the county legislative body elects to return to management by means of the Board of Trustees, then the Board shall be selected as provided in Section 1.

As amended by: Private Acts of 1997, Chapter 56

**SECTION 6.** That this Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the county legislative body of Hamilton County on or before the next regular meeting of said county legislative body occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

As amended by: Private Acts of 1997, Chapter 56

**SECTION 7.** That the provisions of this Act are severable, and if any Section, paragraph, sentence or provision thereof be held to be void by any court of competent jurisdiction, the decision of the court shall not affect the validity of this Act, as a whole, or any part thereof other than the portion so held to be invalid. The legislature declares that it would have passed the Act had any such invalid portion been omitted.

**SECTION 8.** That all laws or parts of laws in conflict with this Act are hereby repealed, and that this Act, if approved by the county legislative body as herein set forth, shall take effect from and after July 1, 1967, the public welfare requiring it.

As amended by: Private Acts of 1997, Chapter 56

Passed: May 23, 1967.

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