

TUBERCULOSIS AND HOSPITAL SANATORIUMS

Act 177 of 1925

AN ACT to protect and promote the public health and welfare, and to provide for the construction, maintenance and operation of hospitals and sanatoriums for the treatment of tuberculosis; and to make an appropriation therefor.

History: 1925, Act 177, Eff. Aug. 27, 1925;—Am. 1937, Act 213, Imd. Eff. July 21, 1937.

The People of the State of Michigan enact:

332.151 County sanatoriums; establishment, procedure, site, minimum size.

Sec. 1. It shall be competent for the board of supervisors of any county in this state having a population of more than 30,000 according to the last official census of the federal government to establish, maintain and operate a hospital or sanatorium for the treatment of tuberculosis in accordance with the provisions of this act. Said board shall designate the site on which such sanatorium shall be placed and the sum or sums of money appropriated for construction and equipment purposes. Immediately upon the taking of such action by any board of supervisors subject to the provisions hereof, it shall be the duty of the clerk of the board to certify to the state commissioner of health a copy of the resolution or resolutions adopted. Thereupon it shall be the duty of said commissioner to cooperate with the board of supervisors, or with any committee thereof selected for such purpose, in the preparation or selection of plans for the building or buildings to be erected: Provided, That no sanatorium hereafter erected under the provisions of this act shall be upon lands used by or controlled by a county poor commission, or used or intended to be used as a county poor farm, and no such sanatorium shall be erected having provision and room for less than 50 beds.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7044;—CL 1948, 332.151.

332.152 Board of supervisors; raising moneys by taxation, disposition.

Sec. 2. The board of supervisors of any county, subject to the provisions of section 1 of this act, is hereby authorized and empowered to raise by taxation necessary funds for the purpose of constructing, equipping and maintaining a hospital or sanatorium for the treatment of tuberculosis. In no case shall the tax for the original construction and equipment exceed in any year 1 mill on each dollar of assessed valuation of said county. If deemed expedient by said board, money for construction purposes hereunder may be raised by taxation during successive years, not exceeding, however, a period of 3 years. All moneys raised by taxation within the county shall constitute a special fund for the construction and equipment of the sanatorium. Money raised by taxation in the county for construction purposes, and subsequently found not to be needed therefor, may be used to defray the expenses of operation and maintenance.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7045;—CL 1948, 332.152.

332.153 Board of trustees; members, terms, officers, powers and duties, disbursement for construction.

Sec. 3. A board of trustees for the management of any sanatorium created hereunder shall be appointed by the board of supervisors of the county in which such sanatorium is to be constructed. Said trustees shall be residents and taxpayers of the county. In the first instance, 1 of such trustees shall serve for a period of 1 year from and after the first day of January following his appointment. One shall serve for a period of 2 years and the third for a period of 3 years. Thereafter, each trustee shall hold office for a period of 3 years, beginning on the first day of January next ensuing and until a successor is appointed and qualifies. Each such trustee shall file his acceptance of office with the county clerk and shall also take and file with said clerk the constitutional oath of office. It shall be the duty of said board of trustees to cooperate and advise with the state health commissioner and with the board of supervisors of the county, or with any committee selected thereby, in the erection and equipment of the sanatorium. As soon as such sanatorium is completed and equipped the management and control thereof shall vest in said board of trustees, subject to the provisions of this act. Money for the construction of the sanatorium and for the purchase and installation of equipment shall be paid out by the county treasurer on the order of said board of trustees, countersigned by the chairman and clerk of the board of supervisors, or by any committee of said board selected by the board for that purpose. Said board of trustees may organize by the election of a president, a secretary and a treasurer and may adopt rules and regulations governing its procedure.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7046;—CL 1948, 332.153.

332.153a County sanatoriums; admission of nontubercular patients; board of trustees,

additional members.

Sec. 3a. Any sanatorium established or existing pursuant to the provisions of this act which elects to admit patients for treatment of diseases other than tuberculosis as provided in section 9a, as amended, may, by majority vote of the board of supervisors, have a board of trustees of 5 members. If the supervisors shall elect to establish a 5-member board, 1 of the additional appointees shall be appointed for a term expiring January 1 of the second year following the year of his appointment. The other shall be appointed for a term expiring January 1 of the third year following the year of his appointment. Thereafter trustees shall all be appointed for 3-year terms.

History: Add. 1964, Act 23, Eff. Aug. 28, 1964.

332.153b Conducting business at public meeting; notice; availability of writings to public.

Sec. 3b. (1) The business which the board of trustees of a sanatorium may perform shall be conducted at a public meeting of the board of trustees of the sanatorium held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the board of trustees of a sanatorium in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1978, Act 203, Imd. Eff. June 4, 1978.

332.154 Joint county sanatorium; establishment, procedure, powers of supervisors.

Sec. 4. Any 2 or more counties within this state may cooperate for the establishment, maintenance and operation of a joint county sanatorium for the treatment of tuberculosis under the provisions of this act. The board of supervisors of any county may appoint a committee to confer with a like committee similarly chosen by the board in any other county or counties for the purpose of selecting a site for a joint sanatorium. At such meeting the committees present shall organize into a joint committee and shall select 1 of the members of such joint committee chairman and a second member secretary. A full report of the results of such meeting shall be made to the board of supervisors of each county concerned at the next ensuing meeting thereof. Thereupon each said board of supervisors shall have the same power to take action with reference to the establishment, maintenance and operation of such joint county sanatorium as is granted by this act with reference to the construction of a sanatorium by a single county in so far as such provisions are applicable.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7047;—CL 1948, 332.154.

332.155 Joint county sanatorium; cooperation with commissioner of health.

Sec. 5. In case the boards of supervisors of 2 or more counties shall determine by separate action thereof that a joint sanatorium shall be constructed, it shall be the duty of each said board to appoint a committee of its members for the purpose of cooperating with the state commissioner of health and with the board of trustees of said sanatorium in the construction and equipment of the necessary building or buildings. Each board shall also select 3 residents and taxpayers of the county to serve as members of the board of trustees of the sanatorium. Said trustees shall be appointed for like terms and shall qualify in the same manner as is provided in section 3 for the appointment and qualification of trustees of a county sanatorium. It shall be the duty of the trustees so appointed to meet as soon as may be and to organize by the election of a president and secretary.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7048;—CL 1948, 332.155.

332.156 Joint county sanatorium; special tax fund, expenditures.

Sec. 6. The board of supervisors of each county becoming a party to the erection of a joint sanatorium under the provisions of this act may raise in any 1 year for construction or maintenance purposes a sum not exceeding 1 mill on each dollar of assessed valuation of said county. Such tax shall be regarded as a special tax and the moneys received therefrom shall be transmitted by the treasurer of the county in which it is collected to the treasurer of the county in which the sanatorium is to be constructed. All such moneys shall be and remain in a special fund and shall be used solely for the purposes for which the tax is spread: Provided, however, That money raised for construction purposes and not needed therefor may be expended by the board of trustees for maintenance and operation. Money expended for the construction, equipment and installation of equipment of any joint county sanatorium shall be paid out by the county treasurer having such fund in charge on the order of the board of trustees of such sanatorium.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7049;—CL 1948, 332.156.

332.157 Construction contracts; bids.

Sec. 7. Contracts for the construction and equipping of any sanatorium to be erected under the provisions of this act shall be let by the board of trustees of said sanatorium, subject to the approval of the state commissioner of health. Such work may be let as an entirety or in sections as may be deemed most advantageous. In all cases where the cost of construction exceeds the sum of 500 dollars, bids shall be advertised for in 1 or more newspapers published and circulating within the county or counties concerned not less than 2 weeks prior to the date when bids are to be received. Subject to the provisions of this act, the board of trustees concerned may adopt reasonable rules and regulations concerning the manner of advertising for bids and the letting of contracts. In all cases the right to reject any and all bids presented shall be reserved. Each contract let hereunder shall provide that the work shall be done subject to the approval of the board of trustees and the state commissioner of health.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7050;—CL 1948, 332.157.

332.158 State commissioner of health; rules and regulations, duty of trustees, sanatorium personnel, expenditures.

Sec. 8. The state commissioner of health is hereby authorized and directed to adopt and publish, in the same manner as rules and regulations of the state department of health are published, rules and regulations governing the operation of county sanatoriums. It shall be the duty of the board of trustees of any such sanatorium to observe such rules and regulations. Wilful failure or refusal to do so shall constitute grounds for removal. Subject to this act and to such rules and regulations, each such board of trustees shall operate the sanatorium under its charge and shall employ a medical superintendent, a suitable number of nurses, and such other employees as may be necessary and may fix the compensation thereof. Such compensation shall be paid out of the maintenance fund of the sanatorium in the same manner as the salaries of other county employees are paid. Money to defray the expenses of maintenance and operation shall be paid by the county treasurer having such fund in his custody on the warrant of the president of the board of trustees of the sanatorium, countersigned by the secretary.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7051;—CL 1948, 332.158.

Administrative rules: R 325.763 et seq. and R 325.1001 et seq. of the Michigan Administrative Code.

332.158a Board of trustees; authority to borrow; amount; issuance of bonds or notes; repayment.

Sec. 8a. The board of trustees may borrow, if the need is certified by the director of public health and is approved by the county board of commissioners, a sum equal to the total amount due the county or hospital from the state, any other governmental unit, or any other source, and may issue bonds or notes or other evidence of indebtedness for that amount to be repaid from the receipts from the state, other governmental unit or source of the amount due the county or hospital.

History: Add. 1949, Act 141, Imd. Eff. May 23, 1949;—Am. 1966, Act 126, Imd. Eff. June 23, 1966;—Am. 1978, Act 534, Imd. Eff. Dec. 21, 1978.

332.159 County sanatoriums; admission of residents and nonresidents; reports; reimbursement by state; payment.

Sec. 9. A sanatorium established under this act shall be maintained and operated for the benefit of the residents of the county or counties establishing and maintaining it. The board of trustees shall make regulations covering the admission and conduct of patients and may exclude any person or persons willfully violating the regulations. Any person afflicted with tuberculosis may be admitted to the sanatorium on a certificate of the health officer of the city, village, township, county, or district in which that person resides. If the facilities of the sanatorium will permit, the board of trustees may in its discretion accept patients afflicted with tuberculosis who are not residents of the county or counties establishing and maintaining the sanatorium, upon the terms and conditions as may be mutually agreed upon. On the first day of each month the board of trustees or the medical superintendent of the sanatorium, whether organized and established under the provisions of this act or any other act or acts permitting counties to erect and maintain sanatoriums for treatment of tuberculosis, shall report to the director of the department of community health the number of patients treated during the preceding month, with detailed information as the director may require. The reports shall show specifically the number of patients treated, with the compensation and aggregate number of weeks of the treatment. The report shall be verified by the medical superintendent or by the president of the board of trustees. If accepted and approved by the director of the department of community health, he or she shall certify to the state treasurer that the sanatorium in question has treated without compensation patients for an

aggregate specified number of days. The state treasurer shall pay the county treasurer having the funds of the sanatorium in his or her custody an amount as will constitute compensation for such free patients on the basis of \$6.00 per day each. It is the intent of the legislature that the state shall contribute towards the cost of maintaining and treating free patients the sum of \$6.00 for each day of the care and treatment. All sums due any county from the state of Michigan under this act shall be a continuing obligation of the state and shall be paid out of any funds that may be appropriated by the legislature for that purpose.

History: 1925, Act 177, Eff. Aug. 27, 1925;—Am. 1929, Act 42, Imd. Eff. Apr. 16, 1929;—CL 1929, 7052;—Am. 1932, 1st Ex. Sess., Act 18, Imd. Eff. May 3, 1932;—Am. 1933, Act 215, Imd. Eff. July 6, 1933;—Am. 1937, Act 213, Imd. Eff. July 21, 1937;—Am. 1943, Act 169, Eff. July 30, 1943;—Am. 1945, Act 206, Imd. Eff. May 17, 1945;—Am. 1948, 1st Ex. Sess., Act 11, Imd. Eff. Apr. 28, 1948;—Am. 1954, Act 156, Eff. July 1, 1954;—Am. 1965, Act 142, Imd. Eff. July 12, 1965;—Am. 2002, Act 171, Imd. Eff. Apr. 23, 2002.

332.159a County sanatoriums; admission of patients of all types, approval.

Sec. 9a. The board of trustees, with the approval of the board of supervisors, may in its discretion admit patients to said hospital for the treatment of diseases other than tuberculosis under such terms and conditions as prescribed by said board of trustees and approved by the state health commissioner. Persons from the county in which the hospital or sanatorium is located or from any county in not less than the service area as presently constituted of the hospital or sanatorium suspected or afflicted with tuberculosis and requiring hospitalization in the hospital or sanatorium shall be given priority of admittance. Such patients other than tuberculosis shall not be subject to per diem tuberculosis state aid to the county as prescribed elsewhere in this act. Those parts, portions, or facilities of any hospital or sanatorium operating under the provisions of this act and erected or created with funds provided under the terms of Act No. 252 of the Public Acts of 1951, being sections 332.201 to 332.204, inclusive, of the Compiled Laws of 1948 and of Act No. 5 of the Public Acts of the First Extra Session of 1951, being sections 332.231 to 332.239, inclusive, of the Compiled Laws of 1948, may be used for any of the purposes authorized by the provisions of this act upon the filing with the state commissioner of health of a statement signed by the members of the board of trustees of said hospital or sanatorium that such uses are in the best interests of the effective provision of medical care and treatment specifically authorized to be provided by this act.

History: Add. 1949, Act 141, Imd. Eff. May 23, 1949;—Am. 1957, Act 35, Imd. Eff. May 8, 1957.

332.160 Board of trustees; compensation; expenses; claims; vacancy; body corporate; powers; conveyances.

Sec. 10. Each trustee may receive for services in attending meetings of the board per diem compensation and other expenses which shall be established by the county board of commissioners of the county represented by the trustee. A trustee shall not claim reimbursement for attending more than 36 meetings a year. A claim against the sanatorium shall be approved by the board of trustees and paid in the manner indicated in this act. A vacancy occurring on a board of trustees shall be filled for the remainder of the term by the county board of commissioners of the county represented by the trustee. Each board shall constitute a body corporate and may sue and be sued. It may accept donations and bequests, purchase and hold property, and make contracts necessary for the carrying out of the duties imposed in this act. A conveyance of real estate shall be taken in the name of the board of trustees in trust for the county or counties represented by the board of trustees.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7053;—CL 1948, 332.160;—Am. 1962, Act 15, Eff. Mar. 28, 1963;—Am. 1978, Act 46, Imd. Eff. Mar. 7, 1978.

332.161 Board of trustees; annual report to supervisors, contents, annual appropriation, tax limit, referendum on excess.

Sec. 11. Prior to the regular October session in each year of the board of supervisors of any county establishing or maintaining or assisting to establish or maintain any sanatorium hereunder, it shall be the duty of the board of trustees of such sanatorium to make and present to the board a full and detailed report of the operations during the preceding year and of the receipts and disbursements. At the same time an estimate of the funds necessary to be raised in such county for the ensuing year shall be presented. Thereupon, said board, subject to the provisions of this act, shall vote such amount as may be necessary to be raised by taxation. In the case of the joint county sanatorium, it shall be the duty of each board of supervisors concerned to vote its proportionate share of the cost and maintenance of operation during the ensuing year, as estimated and determined by the board of trustees. In case it is deemed expedient by any board of supervisors to raise in any 1 year either for construction purposes or for maintenance purposes an amount in excess of 1 mill on each dollar of assessed valuation of said county, the question of raising by taxation or borrowing such additional

amounts as may be deemed necessary shall be submitted to the electors of the county at any general election or at a special election called for that purpose. Said question shall be submitted and election held and conducted and returns thereof canvassed and declared in the same manner as is or may be provided by the general election law for the submission and determination of the question of issuing county bonds. If a majority of the electors of the county voting thereon authorize the raising of such additional sum or sums, the board of supervisors shall by resolution direct the raising of the same by taxation.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7054;—CL 1948, 332.161.

332.162 County sanatoriums; inspection by commissioner of health; recommendations, non-observance of rules.

Sec. 12. The state commissioner of health either in person or by his deputy or other representative shall inspect each sanatorium constructed hereunder at such times as he may deem necessary. He may also require from the authorities in charge of such sanatorium reports from time to time concerning the operation thereof. It shall be his duty to make recommendations to the board of trustees and to the medical superintendent in charge of the sanatorium with respect to operation, treatment of patients, employees, and such other matters as affect the welfare of the patients and the general conduct of the institution. If any board of trustees, or medical superintendent, shall neglect or refuse to observe the rules and regulations of the state commissioner of health hereinbefore provided for, the state maintenance aid contemplated by section 9 may in the discretion of said commissioner be withheld until such rules and regulations are complied with.

History: 1925, Act 177, Eff. Aug. 27, 1925;—CL 1929, 7055;—CL 1948, 332.162.

Administrative rules: R 325.1001 et seq. of the Michigan Administrative Code.

332.163 Counties not constructing sanatoriums; taxation in aid of other public sanatoriums.

Sec. 13. The board of supervisors of any county of this state not desiring to construct a sanatorium or hospital for the treatment of tuberculosis, is hereby authorized to raise money by taxation for the aid and assistance of any hospital or sanatorium within this state and to secure the treatment of persons afflicted with tuberculosis and may make agreements with the management or owners of any hospital or sanatorium for the treatment of indigent persons afflicted with tuberculosis. No money shall be raised, however, for the assistance of any private hospital under this section, nor to provide for the treatment of patients at any hospital or sanatorium unless said hospital or sanatorium shall be first inspected by the state commissioner of health, or by his duly authorized representative and approved by him as a proper and suitable institution for the care and treatment of patients afflicted with tuberculosis.

History: 1925, Act 177, Eff. Aug. 27, 1925;—Am. 1929, Act 41, Imd. Eff. Apr. 16, 1929;—CL 1929, 7056;—CL 1948, 332.163.

332.164 Contracts with approved sanatorium; report to director of department of community health; reimbursement by state; payment.

Sec. 14. Whenever the board of supervisors of any county contracts with the management or owners of any hospital or sanatorium for the treatment of persons afflicted with tuberculosis and that hospital or sanatorium is approved by the director of the department of community health, as provided in the preceding section, the clerk of that county, or the board of county auditors in counties having such boards, or other legally designated authority, on the first day of each month, shall report to the director of the department of community health the number of patients treated at the sanatorium or hospital during the preceding month on contract with the county, with detailed information as the director may require. The reports shall show specifically the number of patients treated, any compensation paid by the county for the treatment, and the aggregate number of days of the treatment. The report shall be verified by the officer or officers making the report. Upon receipt and approval of the report by the director of the department of community health, he or she shall certify to the state treasurer that the county in question has caused to be treated, without compensation to it, patients for an aggregate specified number of days based upon the report. The state treasurer shall pay the county treasurer of the county an amount as will constitute compensation for such patients on the basis of \$6.00 per day each. It is the intent of the legislature that the state shall contribute towards the cost of maintaining and treating such patients the sum of \$6.00 for each day of such care and treatment. If the sum appropriated by the legislature is not sufficient to pay all demands, then the funds appropriated shall be paid pro rata to the counties and cities entitled to the funds, and the contributions shall be made in accordance with rules and regulations promulgated by the director of the department of community health for the purpose of protecting the rights of all affected counties and cities in the fund.

History: Add. 1929, Act 41, Imd. Eff. Apr. 16, 1929;—CL 1929, 7057;—Am. 1931, Act 101, Eff. Sept. 18, 1931;—Am. 1937, Act 213, Imd. Eff. July 21, 1937;—Am. 1943, Act 169, Eff. July 30, 1943;—Am. 1945, Act 206, Imd. Eff. May 17, 1945;—Am. 1948, 1st Ex. Sess., Act 11, Imd. Eff. Apr. 28, 1948;—CL 1948, 332.164;—Am. 1954, Act 156, Eff. July 1, 1954;—Am. 1965, Act 142, Imd. Eff. Rendered Wednesday, November 19, 2014

July 12, 1965;—Am. 2002, Act 171, Imd. Eff. Apr. 23, 2002.

CAUTION!
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