March 18, 2024

Medical Services

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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Medical Services
Reference Number: CTAS-546

County Board of Health
Reference Number: CTAS-547
The primary agencies for local health services are the county board of health and the county health department. Each county is authorized to establish a board of health that is charged with the following duties: governing the policies of full-time county health departments, advising the county mayor on the enforcement of state health regulations, advising the county mayor on the adoption of rules to promote the general health of the county, and preparing an annual budget. The board must consist of the following members:

1. The county mayor;
2. The county director of schools or his or her designee;
3. Two physicians nominated by the county medical society;
4. One dentist nominated by the county dental society;
5. One pharmacist nominated by the county pharmaceutical society;
6. One registered nurse nominated by the county nurses' association;
7. The county health director (ex officio member);
8. The county health officer (ex officio member); and

T.C.A. § 68-2-601.
If the county fails to establish an active board of health, the commissioner of health may establish a health advisory committee. T.C.A. § 68-2-601.

County Health Department
Reference Number: CTAS-548
Unlike the board of health, the county health department is a required agency. It is to be headed by the county health director, who is appointed by the commissioner of health and is compensated, at least in part, by the state. The commissioner also appoints a county health officer who must be a physician. If the county health director is a physician, he or she may also serve as the county health officer. T.C.A. § 68-2-603.
The county legislative body must provide necessary office facilities and funds for the functioning of the county health department. T.C.A. § 68-2-604. All private acts relative to county boards of health or county health departments remain in effect after the passage of T.C.A. §§ 68-2-601 et seq., 68-2-606.

Community Health Agencies
Reference Number: CTAS-549
The state commissioner of health is authorized by T.C.A. § 68-2-1101 et seq. to establish community health agencies to encourage and coordinate healthcare for indigents. The statute authorizes four metropolitan health agencies (in the state's four largest cities) and eight rural agencies, each directed by its own board. T.C.A. § 68-2-1104. In order to carry out their duties these agencies may execute contracts, acquire property, procure insurance, collect fees, and perform other actions needed to achieve their goals. T.C.A. § 68-2-1106.

Healthcare Facilities
Reference Number: CTAS-550
In order to operate in Tennessee, every publicly or privately owned hospital, nursing home, recuperation center, ambulatory surgical treatment center, mental health hospital or home for the aged is required to be licensed by the state Department of Health. T.C.A. § 68-11-201 et seq. A county may operate such facilities if they are licensed and maintained according to rules established by the state Department of Health. T.C.A. §§ 68-11-204, 9-21-105(21)(A). The state health care licensing board has exclusive jurisdiction to regulate this area so that any conflicting regulations adopted by local governments are
inoperative. The state health care licensing board must approve all new healthcare facilities before construction work may begin. T.C.A. § 68-11-202.

Public School Nurse Program

Reference Number: CTAS-551
This program was created as a part of the Department of Health for the purpose of improving school performance, lowering the dropout rate, and safeguarding the health and well-being of students in Tennessee public schools. Nurses within the program are administratively assigned to various county and district health departments or local education agencies, but remain under the control and direction of the executive director of the school nurse program. This plan does not preempt local education agencies from continuing to employ and supervise school nurses who are not employees of the program. T.C.A. § 68-1-1201 et seq.

Disposition of Unclaimed Dead Bodies

Reference Number: CTAS-2121
Tennessee Code Annotated §§ 68-4-102 - 68-4-103 govern the disposition of unclaimed bodies of persons dying in charitable or penal institutions, publicly supported institutions, and those "delivered to a public official for burial or cremation at public expense." The requirements are very generally summarized as follows:

- "Immediately" notify the nearest or other relative of the person, if any relative is known.
- Hold the body for 96 hours after notification of relative.
- If the body is unclaimed after 96 hours, notify the chief medical examiner.
- If the chief medical examiner does not demand the body within 72 hours, the body "shall be buried as provided by law or cremated in accordance with § 68-4-113."

Pursuant to T.C.A. § 68-4-113, the coroner, medical investigator or county medical examiner may direct the cremation of an unclaimed dead body, provided that the proper notice is given and the body is held for the time period provided in T.C.A. § 68-4-103.

If the disposition of the remains of the decedent becomes the responsibility of the county, the public officer or employee responsible for arranging the final disposition of the decedent's remains shall have the right to control the location, manner and conditions of disposition. T.C.A. § 62-5-703(11).

Counties are authorized to appropriate moneys for the burial or cremation expenses of any poor person dying in the county, leaving no means to pay for the same. T.C.A. § 5-9-101(4).

Before the county can pay for a pauper's burial, an affidavit must be filed with the county showing the cost, and that the person was buried in the county, and that the claimant has no other means of obtaining payment. T.C.A. § 5-9-311.

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