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## Chapter VIII - Health

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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## Chapter VIII - Health

### General Hospital

### Private Acts of 1968 Chapter 319

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

**SECTION 2.** That said Hospital District shall comprise and consist of the following described tracts or parcels of land together with all buildings and other improvements thereon, and all appurtenances thereunto belonging, located in the 5th Civil District of Benton County, Tennessee, and more particularly described as follows:

FIRST TRACT: Beginning at an iron stake in the west margin of Hummingbird Circle, this being the Southeast corner of a lot formerly owned by Willeford, presently owned by Kamko Inc. and the Northeast corner of the herein described tract; thence along and with a woven wire fence, the south boundary of Kamko Inc. South 86o 44' West, 194 feet to an iron stake, in fence; thence South 13E 44' West, 461 feet to an iron stake in the north boundary of the hospital property, proper; thence North 66o West 500.4' to an iron stake in the east boundary of George Hicks' property; thence along and with fence in Hicks' east boundary and Ballard's East boundary South 28o 5' West 684.8 feet to an iron stake in the center of a small creek; thence South 63o 15' East along and with the north boundary of Reuben Watson's remaining land 730 feet to an iron stake; thence North 13o 44' East 729.8 feet to an iron stake; thence North 13o 44' East along the east right-of-way line of 50-foot dedication for roadway to proposed hospital site, parallel to and 50 feet east of the west right-of-way line 433.07 feet to an iron stake; thence North 86o 44' East, south of parallel to the north line 154.16 feet to an iron stake; thence North 50 feet to the point of beginning, containing 11.0 acres.

SECOND TRACT: Beginning at a twin sweetgum tree, a fence corner in the east boundary of the Camden Cemetery property, then runs South 86o 30' East 65 feet to a point in a small branch, said point being in north boundary of the Benton County Hospital Property; thence South 3o 30' West 88 feet; then South 26o West 62 feet to a 6-inch maple tree in center of branch; then leaving said branch and hospital boundary South 81o West 530 feet to a point in the east right-of-way line of GENESCO Road; then North 25o West 80 feet with said road right-of-way line 80 feet to a point; then runs North 81o East 80 feet to a point in the west line of Camden Cemetery Property; then runs South 12o East 30 feet to the southwest corner of cemetery property; then runs North 81o East 432 feet with south line of cemetery property to a stake, the southeast corner of cemetery; then runs North 3o 30' East 107 feet to beginning, containing 7/8 acre, more or less.

**SECTION 3.** That said Hospital District shall be operated and controlled by a Board of Trustees composed of five members, provided that not more than two of the five members of said Board of Trustees may be members of the Benton County Commission, the members to be elected in the manner and for the terms hereinafter provided. The County Executive of Benton County shall be ex-officio a member of the Benton County General Hospital Board of Trustees. The members of the Board of Trustees shall meet as soon as possible after their term of office begins for the purpose of (1) electing one of their members to serve 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 of Trustees, who shall execute bond for the faithful performance of his 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 1981, Chapter 30

**SECTION 4.** That the initial members of the Board of Trustees shall be James T. Cowell, who shall serve for a term of one year; Richard A. Hargis, Jr., who shall serve for a term of two years; Taylor Wheatley, who shall serve for a term of three years; Fred Cuff, who shall serve for a term of four years; and Frank L. Hollis, who shall serve for a term of five years.

From and after July 1, 1981, the terms of office of the board of trustees shall be two (2) years. No member of the board of trustees shall serve more than two (2) consecutive terms. After a member of the board has rotated off the board, such member may not be re-appointed for a period of one (1) year. The members of the Board of Trustees shall be paid the same per diem and mileage for attendance at regular meetings of the Board of Trustees as is paid to members of the County Commission of said County for attendance on sessions of said County Commission, not to exceed twelve (12) meetings annually, and

shall receive \$5.00 for attendance on other meetings for each meeting of the Board of Trustees. At the expiration of the term of office of each member of the board, the county commission at its next regular session shall nominate a successor to the board of trustees to fill the vacancy on the board. The election of a successor shall be held at the subsequent meeting of the county commission immediately following the meeting at which nominations were made. The election of a successor shall be for a term of two (2) years. Should a vacancy occur on the board for any reason during the unexpired term of any member, then and in that event, such vacancy shall be filled by the county commission as above provided for, for the remainder of such unexpired term.

Members of said Board shall be citizens of Benton County, Tennessee. No person shall be a member of the Board if he is (1) an employee of the Board (2) a physician or registered nurse (3) the holder of a full time remunerative position in the County government or any municipal government or a position with the Department of Public Health or Department of Public Welfare or the U. S. Public Health Service.

As amended by: Private Acts of 1981, Chapter 30.

**SECTION 5.** That the said Board of Trustees shall hold regular monthly meetings on a date which it shall establish and such other meetings as may be required. The Board of Trustee shall have the responsibility and the authority to control the property and facilities of the Hospital District; to purchase real estate with approval of the County Commission; to sell, with the approval and authorization of the County Commission, any portion of the real estate which the District owns and which is considered surplus to its needs in the performance of its missions; and to execute deeds therefor when authorized so to do by the County Commission; to receive all monies for hospital purposes, including tax receipts from the County Trustee's office, and to disburse all such monies in cash or by check; to establish rules and regulations governing the property of the District, its uses and management; to erect buildings; to employ, define the duties of, fix compensation of, and discharge employees of the District; and otherwise, to act for and in behalf of Benton County, Tennessee, in the discharge of its mission, as set forth in Section 6 of this Act as follows.

The board of trustees shall also have the responsibility and authority to make contracts for goods and services.

The board shall seek bids on all contracts for goods and services whenever it shall appear to the board that such contract can reasonably be expected to require the expenditure of a sum or sums of money in excess of five thousand dollars (\$5,000.00). The necessity of taking bids shall not apply to surgical and medical supplies, medical equipment and medical services. The Board of Trustees shall also have the responsibility and authority to sell or otherwise transfer, with the approval and authorization of the Benton County Commission, all or any part of the property and facilities of the Hospital District.

As amended by: Private Acts of 1981, Chapter 30

Private Acts of 1985, Chapter 6

**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 physical facilities and finances provided, and within the limitations imposed by the budget. Such services shall be rendered to any person who makes satisfactory arrangements for his services and who is certified for entrance by a practicing physician; and to any person regardless of financial arrangements, if (1) in the opinion of the staff physicians of the hospital, the physical well-being of the person is seriously eminently endangered by delay in providing the service, or (2) it is determined that after due investigative procedure of the Board of Trustees or a delegated representative that such person, if a resident of Benton County, is without means whatsoever to pay for such services.

As amended by: Private Acts of 1981, Chapter 30

**SECTION 7.** That the board shall present to the county commission a copy of the hospital budget as soon after its adoption as practical. The Board shall make an informal financial statement in writing to each regular meeting of the County Commission covering the previous three-months operations, which statement shall, among other things, include the names, addresses, amounts of accounts involved, and all non-paying cases, and said statement shall further show the aggregate amount of accounts owing by persons who have been discharged as patients from said hospital. The books of the Hospital District shall be audited annually by a certified public accountant selected by the Board with approval of the County Executive; and said auditor's report shall be made to the Board and to the County Executive and the County Commission 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 County Commission.

As amended by: Private Acts of 1981, Chapter 30

**SECTION 8.** That the County Commission of Benton 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 operations of said District, including all sums heretofore budgeted therein for hospital

purposes, and also all sums derived from the sale of hospital bonds either sold or to be sold as heretofore authorized by the County Commission, and now in the hands of the Trustee or that may come into the hands of the Trustee, to commence the operation of said District. Thereafter to appropriate such sums collected from the levy of taxes for said Hospital District purposes as may be required in the operation and maintenance of said District.

As amended by: Private Acts of 1981, Chapter 30

**SECTION 9.** That if any Section or part of Section of this Act proves to be invalid or unconstitutional, the same 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 shall have no effect unless the same shall have been approved by two-thirds vote of the County Commission of Benton County, Tennessee, its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or reverse and shall be certified by him to the Secretary of State.

As amended by: Private Acts of 1981, Chapter 30

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 26, 1968.

## Health - Historical Notes

The following summary is included herein for reference purposes.

1. Private Acts of 1985, Chapter 104, was to amend Chapter 319 of the Private Acts of 1968 by giving the Board of Trustees the power to terminate the Benton County General Hospital, the hospital district and the Board of Trustees of such district. If the Board decided to terminate the Benton County General Hospital, then the real property and tangible and intangible personal property would be sold. The act, however, failed to gain local approval.

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