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## Chapter VIII - Health

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# Chapter VIII - Health

## Health - Historical Notes

### **Board of Health**

The following summaries are included herein for reference purposes.

1. Acts of 1857-58, Chapter 140, allowed the Quarterly County Courts of Davidson County and Montgomery County each to appoint three inspectors of flour for their respective Counties, who would serve terms of one year and who would be sworn and bonded. The inspectors would be paid five cents for every barrel of flour inspected. Each barrel was required to contain 196 pounds of flour, and if intended for fine quality, would be marked "superfine". If any indian meal was found in the flour the owner would forfeit the barrel and pay a fine of \$4.00 a barrel.
2. Acts of 1909, Chapter 339, empowered the County Court of Davidson County at its July, 1909 quarterly session to select three legally qualified practitioners of medicine, who could not be members of the County Court, to be members of the Board of Health. After staggered initial terms, the members would serve three years. The Board could adopt rules for its own operation and management. The members would choose their Chairman and the County Health Officer who would serve as Secretary. The Board would determine the number of sanitary inspectors and other inspectors needed and would prescribe the regulations for the Health Officer and other employees. Board members were to receive compensation at the rate of \$5.00 per day for each meeting. The responsibilities of the Health Officer included the authority to abate nuisances. In Gamble v. State, 206 Tenn. 376, 333 SW2d 816 (1960), the constitutionality of this act was upheld.
3. Private Acts of 1921, Chapter 97, amended Acts of 1909, Chapter 339, Section 10, above, by adding at the end of that Section a provision that the Board of Health provide the County Health Officer the necessary expense of the operation and maintenance of transportation facilities while on official business, which would not exceed the sum of \$50 a month.
4. Private Acts of 1921, Chapter 964, amended Acts of 1909, Chapter 339, Section 7, above, by directing the Board of Health in Davidson County to adopt and promulgate rules and regulations for constructing and installing all plumbing and sewerage in houses and on premises located outside of corporate cities. It would be the duty of the Sanitary Inspectors to enforce the regulations. Installations in violation of the regulations were declared a nuisance and the owner or user guilty of a misdemeanor.
5. Private Acts of 1925, Chapter 473, authorized the Board of Health of Davidson County to appoint a Plumbing Inspector for the inspection of sanitary plumbing and enforcement of the regulation of the Board of Health. The Inspector would be a practical plumber or a sanitary engineer and would be compensated at the rate of \$2,400 per year. For the purpose of inspecting work done outside corporate limits in the County, the Inspector was granted authority to enter upon premises and condemn any site found in violation of the Board's regulations. Specifications for plumbing and septic tanks were set forth in the act.
6. Private Acts of 1933, Chapter 685, created the Board of Plumbing Examiners and transferred to it the responsibility for the supervision of the plumbing inspectors and their assistants. The Board of Health would no longer have supervision of inspectors but the County Health Officer would be a member of the new Board of Plumbing Examiners.
7. Private Acts of 1935, Chapter 92, Section 10, amended Acts of 1909, Chapter 339, above, by directing the Board of Health to provide the County Health Officer the necessary expense of the operation and maintenance of transportation facilities while on official business up to \$75 a month payable out of regular County funds.
8. Private Acts of 1941, Chapter 160, amended Private Acts of 1933, Chapter 685, above, by allowing the Plumbing Inspectors of Davidson County \$600 a year as a travel allowance.
9. Private Acts of 1943, Chapter 110, amended Acts of 1909, Chapter 339, above, by authorizing the Board of Health to appoint a Director of Health who was required to be qualified to perform all the duties required by State law and such others as may be assigned to him by the Board. The Director would perform all the obligations of the County Health Officer and jail physician as they were established under the law. The Director was to be a resident of Davidson County and a practicing physician for five years or longer. The term of office would be four years at a salary to be fixed by the Board and payable monthly. The office of County Health Officer was abolished.

10. Private Acts of 1949, Chapter 633, gave the County Board of Health the responsibility of enforcing the dog law of Davidson County.
11. Private Acts of 1951, Chapter 100, amended Acts of 1909, Chapter 339, above, by increasing the compensation of the members of the Board of Health of Davidson County from \$5.00 to \$15.00 per meeting.
12. Private Acts of 1959, Chapter 327, required applicants for a license entitling them to operate a food establishment to first obtain a statement from the County Health Department approving the location, plans and equipment of the establishment. The act applied only to new applicants.

### **Hospitals**

The following acts concerning hospitals in Davidson County have been repealed or superseded or are no longer effective. Also referenced are acts that repeal prior law without providing new substantive law.

1. Private Acts of 1820, Chapter 70, stated that the Quarterly Court of Davidson County purchased a tract of land on Whites Creek of 170 acres as a site for the Poor House of Davidson County, and the tract was later sold by court order to Stump and Cox, who sold the property to Edward Butler. The Chairman of the County Court was directed to convey the land by valid deed to Butler.
2. Private Acts of 1823, Chapter 102, designated Boyd McNairy, Felix Robertson, James Overton, and James Roane as the managers of a lottery to raise up to \$10,000 which would be used to erect, in Nashville or its vicinity, a building to be used as a hospital for indigent sick persons. The managers would provide a bond and observe all the rules and regulations pertinent to the conduct of lotteries. All prize money would be secured under the bond. The hospital could be named as the managers saw fit.
3. Public Acts of 1832, Chapter 31, established a hospital for lunatics to be built in Davidson County in or near Nashville. Named as Commissioners to supervise the project were Francis Porterfield, Joseph Woods, Henry R. W. Hill, James Roane, Felix Robertson, and Samuel Hogg. Their duties were to purchase a suitable site for the buildings which were to be built of stone or brick and be large enough to house at least 200 persons. \$10,000 was appropriated for the project.
4. Private Acts of 1833, Chapter 259, appointed John Shelby and Boyd McNairy as additional commissioners for the lunatic hospital.
5. Private Acts of 1833, Chapter 262, appropriated one-half of the State tax for the years 1834 and 1835 for Davidson County to the erection and completion of the Lunatic Hospital in the County and the Treasurer of Middle Tennessee was to pay that amount over to the Commissioners of the Hospital.
6. Private Acts of 1835-36, Chapter 130, appropriated \$2,500 annually for two years for the purpose of completing the Lunatic Hospital in Davidson County. The act appointed Robert Woods, John Shelby, Felix Robertson, and James Overton, as Commissioners, to cause the Hospital to be finished in a manner suitable for the reception of patients. The Commissioners were empowered to hire a superintendent to supervise completion and furnishing of the Hospital.
7. Acts of 1839-40, Chapter 120, provided regulations and procedures for the opening and continued operation of the Lunatic Hospital of Tennessee, located in Davidson County. Seven Trustees would be appointed by the Governor for two-year terms. The Trustees were empowered to employ a physician to act as treating physician and superintendent at a salary of \$500 per year. In addition, both a keeper and a matron would be employed to attend the patients and enforce the regulations. Procedures were set forth for the admitting of patients, including criminal offenders, private patients, and wards of the State.
8. Acts of 1841-42, Chapter 116, further defined the powers of the Board of Trustees of the Lunatic Hospital by directing the Trustees to take certain actions in regard to expenditures and alternations in the Hospital policies. The Board was to have three members who were physicians.
9. Acts of 1843-44, Chapter 200, appropriated \$6,000 per year for the use and benefit of the Lunatic Hospital in Davidson County. The General Assembly by joint ballot would elect a competent physician and his wife to live on the premises of the hospital and care for the patients. Together they would receive compensation not to exceed \$1,400 annually, and they would contract with the State to care for up to fifty pauper patients. No boarding patient could be admitted without payment for six months board in advance. Each Senatorial district was limited to two pauper patients within the institution.
10. Acts of 1845-46, Chapter 183, appointed the Governor, the Secretary of State, the Comptroller of the Treasury, and the Treasurer of the State, as Commissioners, to sell all the lands, buildings,

and other appurtenances belonging to the Lunatic Hospital in Davidson County after giving three months prior notice of the sale in some newspaper in Nashville, retaining possession until another facility could be built to receive the patients. The proceeds would be used to operate the new facility to be located in some county in Middle Tennessee.

11. Acts of 1847-48, Chapter 205, established the State Hospital for the Insane. It required the Governor of Tennessee to appoint seven Commissioners, no more than three to be from Davidson County, to select a site in Davidson County with plenty of water and firewood available and to supervise the construction of the Hospital at the site. The Governor was required to appoint nine Trustees for the Hospital, two from the Eastern Division, two from the Western Division, and five from the Middle Division of Tennessee. The Trustees would employ a physician who was willing to reside at the Hospital with his family. Patients would be admitted in numbers from each county in proportion to the county population of insane persons. Included in the act were procedures and standards to be observed in the admission of patients to the Hospital.
12. Acts of 1855-56, Chapter 144, provided that the Lunatic Hospital in Davidson County be leased to the Medical Faculty of the University of Nashville for ten years. The Dean of the Faculty would have authority over its operation, and would report each year to the General Assembly on its condition and management. No patient was to be exhibited to students or interviewed without his consent and no dissection of dead bodies was allowed on the premises.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 55, directed the Superintendent of the Hospital for the Insane to cancel the account of the institution against James Holloway, the guardian of John K. Ham, a lunatic, for the medical treatment and maintenance of Ham as a patient. The act directed the account to be charged to Davidson County.
14. Public Acts of 1891, Chapter 186, granted to all counties having 40,000 or more in population the authority to purchase land and build an asylum for the insane, the poor, the afflicted, and for inebriates. A county desiring such an asylum was to cause a committee to be appointed consisting of three Justices, the County Judge, or Chairman, and three citizens to purchase land, erect buildings and supervise the project. Upon completion, the Quarterly Court would appoint a commission of five persons to operate the institution, which committee would be composed of two Justices and three citizens, serving four year terms. The commissioners would appoint a superintendent. Guidelines were established for the conduct of the Superintendent and the admission of patients. The act was repealed in 1959.
15. Private Acts of 1911, Chapter 200, amended Public Acts of 1891, Chapter 186, above, by authorizing and requiring the Board of Hospital Commissioners to act as a Civil Service Board, and the Superintendent of the Asylum was declared to be a Civil Service employee. The Board would make all the necessary rules and regulations for the functioning of the Board. The Superintendent was disallowed from employing anyone who was related to a member of the Board of Commissioner, or to a member of the County Court within the third degree.
16. Private Acts of 1917, Chapter 255, amended Public Acts of 1891, Chapter 186, above, by allowing the Board of Commissioners to decide whether to hire a farm boss to be in charge of any farming done by the Asylum.
17. Private Acts of 1923, Chapter 487, amended Public Acts of 1891, Chapter 186, Section 13, above, by removing the qualification requiring the Superintendent of the Asylum to be a married man and to reside on the premises with his family, and by substituting in its place the language, "and he shall reside at the Asylum continuously".
18. Private Acts of 1929, Chapter 112, was the authority for the Board of Managers of the County Tuberculosis Hospital in Davidson County to set apart for full pay patients not less than two-thirds of any new building to be constructed for the use of the hospital. Patients would be admitted in the order of their application, at a minimum cost of \$15 a week for full pay patients. Full pay patients would file a \$250 bond with their application. The cost to pay patients was to be determined by taking the average daily cost per full patient for the year before and adding the average per capita interest on capital outlay. Failure to pay the charges was cause for discharge unless a patient qualified for charity. The act was repealed in 1959.
19. Private Acts of 1931, Chapter 183, purported to amend Private Acts of 1929, Chapter 182, but by its wording was intended to amend Private Acts of 1929, Chapter 112, above, by requiring that patients be received in order of application as "pay" patients, or as "charity" patients, the "pay" patients being required also to submit a penal bond in the sum of \$250. Section 3 was amended so as to admit the next in line in either category to fill vacancies as they occurred. Pay rates were scheduled at not less than \$15 per week for the first floor, \$10 per week for the second floor, and \$5.00 per week for the third floor. The Superintendent was required to discharge the patients

- admitted as paying who were delinquent unless the patient was entitled to be admitted as a charity patient.
20. Private Acts of 1933, Chapter 437, allowed the Quarterly Court of Davidson County to appropriate, from revenues available from the county tax levy for charitable purposes, funds for the hospitalization of the poor and indigent sick. The Board of Health would constitute the Davidson County Hospital Commission and as such could contract with the Nashville General Hospital or other hospitals for the hospitalization of the indigent sick. Rules and regulations were to be adopted to govern and administer the fund including verification of the patients' poverty. The Board of Hospital Commissioners would submit a budget request to the Quarterly County Court.
  21. Private Acts of 1941, Chapter 390, amended Public Acts of 1891, Chapter 186, above, and directed the Quarterly Court of Davidson County at the next election for the Board of Commissioners operating the Medical Institution to elect one member for one year, one member for two years, one member for the three years, one for four years and one for five years, and, in the years following, elect each member for five year terms.
  22. Private Acts of 1945, Chapter 353, authorized the Quarterly County Court of Davidson County to elect a County-City General Hospital Commission with the power to construct, equip, manage, and maintain a County-City Hospital. The Commission would expend the proceeds from a three million dollar fund issue and when the hospital was constructed the County Court would levy an appropriate tax to fund its maintenance. The act was repealed in 1947.
  23. Private Acts of 1945, Chapter 496, empowered the Board of Managers of the Davidson County Hospital to admit, as full-pay patients, non-residents of the County on the condition that the number of such patients be limited to one percent of the bed capacity of the said hospital, and that they be admitted only in cases of emergency and then only for a period of time not to exceed 90 days. Further, such patients would have to be sponsored by some organized welfare, charity, or institution which would assume the responsibility for the payment of the hospital charges.
  24. Private Acts of 1945, Chapter 506, empowered the Board of Managers of the Davidson County Tuberculosis Hospital to admit full pay patients sponsored by an organized welfare or charitable organization assuming responsibility for payment of hospital expenses. The number of such patients could not exceed one percent of bed capacity and they would be admitted in an emergency and only for ninety days maximum.
  25. Private Acts of 1947, Chapter 113, repealed Private Acts of 1945, Chapter 353, above.
  26. Private Acts of 1947, Chapter 663, was the legal authority for the Davidson County Tuberculosis Hospital Commission to contract with the State of Tennessee or the Federal Government for the care and keeping of non-resident patients in the Davidson County Tuberculosis Hospital, provided the charges would be fixed by the Board of Hospital Commissioners with the approval of the Quarterly County Court.
  27. Private Acts of 1947, Chapter 797, amended Public Acts of 1891, Chapter 186, above, by adding a provision which set up a seven member Board of Commissioners. The term of office of the Commissioners would be seven years. The two new members would be members of the medical profession.
  28. Private Acts of 1959, Chapter 83, repealed Acts of 1891, Chapter 186, above, and Private Acts of 1929, Chapter 112, above. The act abolished all Boards and Commissioners administering the hospitals of Davidson County. In their places it created the Davidson County Hospital Commission and consolidated all hospitals into one to be called Davidson County Hospital. The Commissioners would be composed of seven members. Its duties included inspecting the hospitals, appointing a Hospital Superintendent and set the policies for the operation of the Hospital. The Superintendent would be a qualified medical practitioner and reside on the Hospital premises. The Hospital would be divided into the psychiatric section and the chronic disease section.
  29. Private Acts of 1959, Chapter 332, authorized the Davidson County Hospital Commission to contract with the State of Tennessee for the operation or use by the State of Tennessee of all or part of the Davidson County Hospital facilities. Any contract would have to receive the approval of the County Court.
  30. Public Acts of 1972, Chapter 586, authorized the State Board of Education to sell a one and one-half tract of land to the Metropolitan Government of Nashville and Davidson County for use by the Metropolitan General Hospital.

### **Refuse Collection**

The acts listed below were effective prior to the establishment of the Metropolitan Government and have

been superseded. Also listed are acts which repeal prior law without replacing it with substantive provisions.

1. Private Acts of 1933, Chapter 664, permitted the Davidson County Board of Health to appoint a Sanitary Engineer, at an annual salary of \$2,160, payable monthly out of ordinary county funds. The Engineer would work under the control and supervision of the Board. Duties of the office included the inspection of garbage disposal fields, septic tanks and their disposal fields, and of other conditions which might constitute a danger and hazard to health. The Sanitary Engineer would give notice to landowners to correct unsanitary conditions. If the problems were not eliminated, the landowner would be subject to a fine.
2. Private Acts of 1937, Chapter 686, amended Private Acts of 1933, Chapter 664, Section 2, above, by increasing the annual salary of the Sanitary Engineer from \$2,160 to \$2,400.
3. Private Acts of 1941, Chapter 180, amended Private Acts of 1933, Chapter 664, above, by increasing the annual salary of the Sanitary Engineer \$2,400 to \$3,000.
4. Private Acts of 1947, Chapter 177, was an act regulating the collection of refuse in Davidson County but it was defective because the population figures used to describe Davidson County were inaccurate. It was repealed less than three weeks after passage and replaced.
5. Private Acts of 1947, Chapter 371, repealed Private Acts of 1947, Chapter 177, above.
6. Private Acts of 1947, Chapter 372, required that permits be issued for refuse collection in Davidson County. The Board of Health would administer the act by issuing permits, revoking permits upon notice and hearing, and by issuing regulations and making inspections to determine compliance. The act granted the power of eminent domain to the County for the location of disposal sites. Violations of the provisions of the act were declared to be misdemeanors.
7. Private Acts of 1961, Chapter 418, amended Private Acts of 1947, Chapter 372, above, by placing the regulation of refuse in Davidson County under the control of the Department of Public Works and by providing that violations of the rules and regulations established by the Quarterly County Court would be separate offenses each day they continued.

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