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Chapter VIII - Health

Dear Reader:

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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,

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Chapter VIII - Health

Board of Hospital Commissioners

Private Acts of 1957 Chapter 409

COMPILER'S NOTE: This Act may be superseded by Tennessee Code Annotated Section 22-2-101.

SECTION 1. That there is hereby created and established in Hardin County, Tennessee, a Board of Commissioners to be known and designated as the "Hardin County General Hospital Board of Commissioners", to have full charge of the operation and maintenance of the Hardin County General Hospital in Hardin County, Tennessee.

SECTION 2. That the Board of Commissioners shall have and be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the Hardin County General Hospital, including the selection and approval of a competent medical staff, and shall:

1. Determine the policies of the hospital, with relation to the patients therein and to community needs.
2. Provide equipment and facilities consistent with the needs of the patients of said hospital.
3. See that professional standards are maintained in the care of the sick.
4. Coordinate professional interest with administrative, financial and community needs.
5. Provide adequate finances, by securing sufficient income and by enforcing business like control of expenditures.
6. Provide for the safe administration of funds entrusted to said hospital.
7. Keep adequate records of the hospital finances and activities.
8. Surround the patients, within said hospital, with every reasonable protection, thereby fulfilling the moral and legal responsibility of the hospital, by exercising proper care and judgment in the selection of a qualified administrator, and of the medical, nursing, technical and other personnel of said hospital.

The authority and responsibility of the Board of Commissioners shall include, but shall not be limited to the establishment, promulgation and enforcement of rules, regulations and policies of the hospital, the upkeep and maintenance of all property belonging to the hospital, and administration of all fiscal affairs of the hospital, and execution of all contracts, agreements and other instruments and the employment, compensation, discharge and supervision of all personnel.

SECTION 3. That said Board of Commissioners shall be composed of six (6) in number, one of which must be a member of the medical staff of the Hardin County General Hospital, who shall serve without compensation and who shall be elected in the manner and for the term hereinafter provided, but the members of said Board may be paid their necessary expenses incurred in the proper discharge of their duties, as members of the Board.

Beginning 2021, the membership of the Board of Commissioners shall be increased by two (2) members for a total membership of eight (8) members. The additional two (2) members shall be elected by the County Commission of Hardin County in the same manner as the other non-medical staff members. The additional two (2) members shall be elected in April of 2021. The initial two (2) members and their successors shall serve for a term of three (3) years as other members.

As amended by:
Private Acts of 1979, Chapter 23
Private Acts of 2020, Chapter 58

SECTION 4. That the initial members of the Board of Commissioners shall be elected by the Quarterly County Court of Hardin County, Tennessee, at the meeting of said court called for the purpose of approving this Act, as required in Section 15, at which time said court shall elect two members of said board to serve for a period of two years, whose term shall expire on the second Monday of April, 1959, and three members of said board to serve for a period of three years, whose term shall expire on the second Monday of April, 1960. As the respective terms of said members shall expire the Quarterly County Court, at the April Term of said Court, shall elect successors to serve upon said board for the members whose term expires as above stated, and who shall be elected for a period of three years, and all

members of said board at the expiration of the term of the initial members shall serve for a period of three years, and successors shall be elected every three years thereafter at the April Term of said Quarterly County Court in the manner hereinafter provided.

SECTION 5. That as the respective terms of the Commissioners expire their successors shall be elected by the County Commission of Hardin County, Tennessee, from a list of nominees for the office, whose names shall be submitted to or by the County Commissioners. Said nominees will be elected by the rules set forth in Section 4 with exception of the member of the medical staff. The medical staff member shall be selected to serve on the Hardin County General Board of Commissioners for a term of three (3) years by the members of the Hardin County General Hospital medical staff. All other nominees upon receiving a majority vote from the County Commissioners shall be considered duly elected members of the Hardin County General Board of Commissioners.

Members of the Board of Commissioners shall be citizens of Hardin County, Tennessee. No person shall be a member of the board if he or she:

1. Is an employee of the Board.
2. Is the holder of a full time remunerative position in the County Government or physician with the Tennessee Department of Public Health or the Department of Human Services or the United States Public Health Service.
3. Is without a high school education or its equivalent, (G.E.D.).

As amended by: Private Acts of 1977, Chapter 82
Private Acts of 1979, Chapter 23

SECTION 6. That a Commissioner, whose term has expired, shall continue to serve until his successor shall have been elected in the manner hereinabove provided. In the event of the death or resignation of a Commissioner, prior to the expiration of his term, his successor shall be elected by the Quarterly County Court, for the unexpired term, from a list of names submitted by the remaining members of the Board of Commissioners in the same manner as the deceased or retiring Commissioner was elected. Any Commissioner shall be eligible for re-election.

SECTION 7. That at the first meeting of the Board of Commissioner, the Board shall elect one of its members as Chairman, who shall serve for a period of two years, and the term of office of the Chairman of the Board shall be for a period of two years. The Board shall also elect a secretary from among its members, who shall keep minutes and records of the proceedings of the Board, reflecting all business transacted by the Board. The Board of Commissioners shall hold a regular meeting on the fourth Thursday of each month, and such other meetings as the Board may decide, and the Board is empowered and authorized to change the date of the regular meeting of the Board, by resolution entered upon the minutes of the Board.

SECTION 8. That the Board of Commissioners shall have authority to employ and appoint a Hospital Administrator for said hospital who shall hold office at the pleasure of the Board. The Administrator shall not be a member of the Board of Commissioners, but shall be a qualified person, experienced in hospital administration, whose duties and responsibilities shall be as herein designated, and as shall be determined and prescribed by the Board of Commissioners.

The Board of Commissioners shall select and approve the medical staff of the hospital, and all doctors, physicians and surgeons composing the medical staff of said hospital.

SECTION 9. That the Administrator employed by the Board:

1. Shall be the chief executive officer of the hospital, subject to the by-laws, rules and regulations adopted by the Board, and shall be under the control and direction of the Board of Commissioners.
2. Shall, with the consent of the Board of Commissioner, equip the hospital with all necessary furniture, appliances, fixtures, equipment and needed facilities for the care and treatment of patients and for the use of the officers and employees thereof.
3. Shall be the purchasing agent for the hospital, and purchase all necessary supplies in such manner as shall be determined by the Board of Commissioners.
4. Shall have general supervision and control of the records, accounts and bills of the hospital, and all internal affairs, and shall maintain discipline therein, and shall enforce compliance with the obedience to all rules, by-laws and regulations adopted by the Board of Commissioners for the government, discipline and management of said hospital, and the employees and patients thereof.
5. Shall make such further rules, regulations and orders as he may deem necessary, not inconsistent with law or the rules and regulations of the Board of Commissioners.
6. Shall, under such rules and regulations, and within the limits and in the manner prescribed by

the Board of Commissioners employ such necessary personnel, including nurses' aids, supervisors, technicians and such other technical and general employees as shall be necessary or proper, for the efficient performance of the business of the hospital, prescribe their duties and discharge such employees at his discretion.

7. Shall keep or cause to be kept proper records and accounts of the business and operations of the hospital regularly, from day to day, in the books and records provided for that purpose and prescribed by the Board of Commissioners and see that such records and accounts are correctly made up for the report of the Board of Commissioners to the Quarterly County Court of Hardin County, Tennessee, as hereinafter required.

8. Shall collect, or cause to be collected, and receive all monies due the hospital and such monies, when collected, shall be deposited in the bank or banks as designated by the Board of Commissioners, in the same form as received, shall keep an accurate account of the same, shall pay the expenses of the operation of the hospital from funds available only by check drawn on the bank or banks designated by the Board of Commissioners, in such manner as the Board of Commissioners may direct. A complete report of the operations of the hospital shall be presented by the Administrator to the monthly meetings of the Board of Commissioners.

9. Before entering upon the discharge of his duties, the Administrator shall give a bond in such sum as the Board of Commissioners may determine, to secure the faithful performance of his duties, the cost of the same to be included in the expense of the operation of the hospital.

10. Shall perform such other duties as the Board of Commissioners may prescribe.

SECTION 10. That the Board of Commissioners shall fix the salary of the Administrator and other employees of the hospital within the limits of funds available for the maintenance and operation of said hospital.

SECTION 11. That the Board of Commissioners shall have the general superintendence, management, and control of said hospital, the hospital grounds, buildings, officers and employees hereof, of the patients therein and all matters relating to the government, discipline, contracts and fiscal concerns thereof, and make such other by-laws, rules and regulations as may be deemed by said Board necessary for the efficient and proper management and operation of said hospital, and for the carrying out of the purposes for which said hospital was established.

SECTION 12. That the Board of Commissioners shall have the books, records and accounts of the hospital audited by a reputable firm of independent Certified Public Accountants, for each fiscal year of the operation of the hospital, and audit to be completed within a reasonable time after the close of the fiscal year of the hospital. One copy of the audit shall be filed with the County Court Clerk of Hardin County, Tennessee, and one copy furnished the County Judge of Hardin County.

The audit shall correctly set forth the operations of the hospital for the fiscal year.

The Board of Commissioners shall annually present to the Quarterly County Court of Hardin County, Tennessee, at the April term of said Court, a report setting forth the operation of said hospital, both financially and otherwise, with such recommendations as to the financial needs of said hospital, and as to the equipment needed or improvements necessary or desirable to be made to the hospital, as shall appear to the Board to be necessary for the efficient and proper operation of the hospital, in order to furnish the patients in said hospital the proper care and attention.

SECTION 13. That the Quarterly County Court of Hardin County, Tennessee, is hereby authorized to appropriate to the Hardin County General Hospital, for the use of the Board of Commissioners from the general funds, or such other funds not appropriated of said county, such sum as may be required to operate said hospital, and said Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes upon all taxable property within Hardin County, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 14. QUORUM: A quorum at any regular or special meeting of the Board shall be a majority of the members of the Board of Commissioners. In order for the Board to take action on any matter presented to it, a quorum must be present and the affirmative vote of at least four (4) members shall be required, and the minutes shall show that at least four (4) members voted affirmatively. All proceedings of the Board shall be governed by the latest edition of Robert's Rules of Order.

As amended by: Private Acts of 2020, Chapter 58.

SECTION 15. That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid, if any.

SECTION 16. That this Act shall have no effect, unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Hardin County, Tennessee. Its approval or non-approval shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

SECTION 17. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 22, 1957.

COMPILER'S NOTE: Private Acts of 1996, Chapter 199, amended Private Acts of 1957, Chapter 409; as amended by Private Acts of 1977, Chapter 82; Private Acts of 1979, Chapter 23 and any other acts amendatory thereto, relative to the board of hospital commissioners changing the number of board members to five (5); two (2) county commissioners, two (2) citizens at-large, and one (1) physician who is a member of the medical staff of Hardin County General Hospital. This act was not adopted by the Hardin County Legislative Body.

Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1925, Chapter 324, provided that, in McNairy and Hardin Counties, any person who had two years work in a medical school and eight years experience in actual practice, as much as three years hospital work, and one year in the medical corps, and who was licensed to practice medicine for five years in any other State would be allowed and permitted to practice medicine in such Counties. Upon proper proof being given the Board of compliance with the terms of the act, the State Board of Medical Examiners was required to issue the person a license to practice medicine in the applicable County.
2. Private Acts of 1927, Chapter 339, repealed Private Acts of 1925, Chapter 324, above.
3. Private Acts of 1933, Chapter 631, stated that in Hardin County there were persons over 25 years of age who have attended medical college of a character recognized and approved by the State Board of Medical Examiners for at least one year and one who had practiced in conjunction with other practitioners for two years and who seem to the community to be fully qualified to practice medicine. Upon presentation to the Board of Medical Examiners of proof of the above facts, the Board was required to issue a license to such persons which would be as valid as any other medical license.
4. Private Acts of 1974, Chapter 386, provided that in Hardin County, the County Judge, County Superintendent of Education, the Health Director, a doctor, a veterinarian, and a dentist would constitute the County Board of Health.
5. Private Acts of 1996, Chapter 199, amended Private Acts of 1957, Chapter 409; as amended by Private Acts of 1977, Chapter 82; Private Acts of 1979, Chapter 23 and any other acts amendatory thereto, relative to the board of hospital commissioners changing the number of board members to five (5); two (2) county commissioners, two (2) citizens at-large, and one (1) physician who is a member of the medical staff of Hardin County General Hospital. This act was not adopted by the Hardin County Legislative Body.

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