



# County Technical Assistance Service

Published on e-Li (<https://eli.ctas.tennessee.edu>)

January 21, 2021

## Medical Services

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily 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 e-Li 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 the health department, enforcing state health regulations, adopting 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
9. A veterinarian and a citizen representative (optional members).

T.C.A. § 68-2-601.

Violation of health board regulations is a Class C misdemeanor, punishable by a fine not to exceed \$50 and by imprisonment for up to 30 days, or both. If the county fails to establish an active board of health, the commissioner of health and environment 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.

## 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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