

**CITIZENS LEAGUE REPORT**

**No. 96**

**Proposal to restore to Minneapolis the  
right to regulate Nursing Homes**

**January 1959**

Citizens League  
601 Syndicate Building  
Minneapolis 2, Minnesota

December 31, 1958

TO: Board of Directors

FROM: Health, Hospitals and Welfare Committee, Larry Ackman, chairman

SUBJECT: Proposed resolution on restoring to City of Minneapolis the authority to regulate nursing homes.

Until 1953 the City of Minneapolis had authority under its charter to license the operation of nursing homes within the City for the purpose of assuring the maintenance of minimum standards of health and nursing care and compliance with fire and building safety codes. In the 1953 Legislature a special law was passed removing this licensing authority from the City and leaving nursing homes subject to licensing only by the State.

Since 1953 the City government has attempted to cope with the maintenance of adequate standards in nursing homes in several ways:

(1) Through reliance on licensing and inspection by the State Fire Marshal and the State Health Department.

(2) Through deputization of the City Health Commissioner by the State Health Commissioner.

(3) Through reliance on persuasion and the voluntary cooperation of conscientious nursing home operators in maintaining adequate health and safety standards.

This program has resulted in the maintenance of acceptable standards in the majority of nursing homes. In the past year, moreover, the City Health Commissioner acting as agent of the State Board of Health, has been able to make remarkable progress in improving nursing care in nursing homes through an educational and surveillance program financed in large part by Federal funds passed on by the State Department of Health.

Still, this general program falls short of providing the most effective control of nursing homes for several reasons:

(1) The State's minimum standards are naturally geared to statewide conditions, and since the concentration of nursing homes is greatest in urban centers and health and safety problems are of more critical importance in congested urban centers, these State standards are not strict enough for urban needs.

(2) The State Health and Fire Marshal Departments are not adequately staffed to perform intensive and frequent enough inspections to assure compliance with their own standards. As noted this has been overcome to some extent by deputizing the City Health Department and giving financial assistance to strengthen its inspectional staff. However, in the building and fire prevention fields, no such State deputization has occurred.

(3) It seems inevitable that agencies with statewide responsibilities will be less concerned with effective regulation in a local community than an agency whose responsibility is solely to that community. In other words, there is a distinct advantage of home rule.

(4) While the majority of nursing home operators have continued to comply voluntarily with standards suggested by the City and have cooperated with its educational programs, a few marginal operators have refused to cooperate and have created conditions in their homes that are jeopardizing the health and safety of their patients and the community. Lacking the authority to deny, suspend or revoke licenses, the City has not been able to bring these marginal operators into compliance.

For these reasons, the Health, Hospitals and Welfare Committee believes it is essential that the power of nursing home regulation be restored to the City of Minneapolis. WE THEREFORE RECOMMEND that the Citizens League Board of Directors urge the Minneapolis City Council and the Hennepin County legislative delegation to work for repeal of the 1953 statute which took away this power (Laws of Minnesota 1953, Sec. 2, Chapter 466, Rest Homes, Nursing Homes).

We recognize that in addition to the licensing power, the City must have adequate personnel to carry on inspectional and educational programs among the nursing home operators if it is to raise and maintain adequate standards of health and safety in their homes. The value of trained and imaginative personnel in an educational role has been very well shown in the Health Department's nurse's aid training program in the nursing homes during 1958.

We therefore further urge that the City provide adequate finances for health, building and fire inspectors assigned to nursing home regulation. We suggest the following:

(1) That license fees be high enough to cover the cost of regulating the nursing homes.

(2) That provision be made to charge costs of repeated call-back inspections and all other comparable costs against the home occasioning such expense.

(3) That a combined City-State license be used, with the State deputizing the City Health and Fire Departments for overseeing compliance with State regulations, and that the State reimburse the City for a fair share of the cost of regulation in recognition of the fact that the City is helping to provide a service which is provided directly by State personnel in other parts of the State.

(4) That the State be asked to continue the grant of Federal money for the successful educational program begun in 1958 in the Health Department.