

may be cast for each share of stock or fraction thereof owned jointly, and except that an association may, in its by-laws, limit or determine the number of votes to be cast by each shareholder. Voting may be by proxy, provided the proxy instrument authorizing the proxy to vote shall have been executed in writing, by the number [member] within *eight* months prior thereto. A majority of all votes cast at any meeting of the members shall determine any question, except voluntary liquidation. The members who shall be entitled to vote at any meeting of the members shall be those owning share account of record and borrowers and obligors who are members of record at the end of the calendar month next preceding the date of the meeting of members, except those who have ceased to be members. The number of votes of each member shall be determined by the withdrawal value of his share account, or, if a borrower or obligor, owning shares by the number of shares owned by him on such record date or if such a member, not owning shares, as provided above. *Provided, however, that nothing contained in subdivision 3 thereof shall be construed as applying to Federal Savings and Loan Associations.*

Approved April 7, 1951.

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CHAPTER 304—S. F. No. 798

[Sections 9 and 10 Coded as Sections 144.571, 144.572]

*An act relating to the licensing of hospitals, sanatoria, rest homes, nursing homes, boarding homes and other related institutions, defining hospitalization, maternity care, and chronic or convalescent care; authorizing the state board of health to adopt rules and regulations and establish minimum standards for the construction, equipment, maintenance, and operation thereof, amending Minnesota Statutes 1949, Sections 144.50, 144.51, 144.52, 144.53, 144.54, 144.55, 144.56, 144.58, and repealing Section 144.57.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 144.50, is amended to read:

144.50 **Hospitals, licenses; definitions.** No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, conduct, or maintain in the state any hospital, sanatorium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings without first obtaining a license therefor in the manner hereinafter provided.

Hospital, sanatorium, rest home, nursing home, boarding home, and other related institutions, within the meaning of sections 144.50 to 144.58 shall mean any institution, place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization of the sick or injured or for maternity care of more than one woman within a period of six months or for care of three or more aged or infirm persons requiring or receiving chronic or convalescent care. Nothing in sections 144.50 to 144.58 shall apply to hotels or other similar places that furnish only board and room, or either, to their guests.

*"Hospitalization" means the reception and care of persons for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of such persons.*

*"Maternity care" means the care and treatment of a woman during pregnancy or during delivery or within ten days after delivery, and for the purposes of sections 144.50 to 144.58 shall include care during such period of time of the infant born to such mother.*

*"Chronic or convalescent care" means (1) care required by a person because of prolonged mental or physical illness or defect or during recovery from injury or disease and shall include any or all of the procedures commonly employed in caring for the sick; and (2) care incident to old age required by a person who because of advancing age is not capable of properly caring for himself and shall include necessary personal or custodial care. The furnishing of board, room, and laundry shall not in itself be deemed care incident to old age.*

Nothing in sections 144.50 to 144.58 shall authorize any person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, depart-

ment, board, or agency thereof, to engage, in any manner, in the practice of healing, or the practice of medicine, as defined by law.

Sec. 2 Minnesota Statutes 1949, Section 144.51, is amended to read:

**144.51. Existing hospitals, licenses.** No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, may operate a hospital, sanatorium, rest home, nursing home, or boarding home *for the infirm aged, without a license therefor.*

Before a license shall be issued under sections 144.50 to 144.58, the person applying shall submit evidence satisfactory to the state board of health that he is not less than 21 years of age and of reputable and responsible character; in the event the applicant is an association or corporation or governmental unit like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the *provisions* of sections 144.50 to 144.58 and all *rules, regulations, and minimum standards* adopted thereunder.

Sec. 3. Minnesota Statutes 1949, Section 144.52, is amended to read:

**144.52. Application.** Any person, partnership, association, or corporation, including state, county, or local government units, or any division, department, board, or agency thereof, desiring a license under sections 144.50 to 144.58 shall file with the state *board* of health a verified application containing the name of the applicant desiring said license; whether such persons so applying are 21 years of age; the type of institution to be operated; the location thereof; the name of the person in charge thereof, *and such other information pertinent thereto as the state board of health by regulation may require.* Application on behalf of a corporation or association or other governmental unit shall be made by any two officers thereof or by its managing agents.

Sec. 4. Minnesota Statutes 1949, Section 144.53, is amended to read:

144.53. **Fees.** Each application for a license to operate a hospital, sanatorium, rest home, nursing home, or boarding home, or related institution, within the meaning of sections 144.50 to 144.58, shall be accompanied by a fee to be determined by the number of beds available for *persons accommodated*; those with less than ten such beds shall pay a fee of \$15; those with ten beds or more and less than 50 beds shall pay a fee of \$20; those with 50 beds or more and less than 100 beds shall pay a fee of \$30; those with 100 beds or more shall pay a fee of \$50. No such fee shall be refunded. All licenses shall *expire annually on the 31st day of December. An application for renewal of the license shall be filed not later than the 31st day of December.* All such fees received by the state *board* of health shall be paid into the state treasury.

No license granted hereunder shall be assignable or transferable.

Sec. 5. Minnesota Statutes 1949, Section 144.54, is amended to read:

144.54 **Inspections.** Every building, institution, or establishment for which a license has been issued shall be periodically inspected by a duly appointed representative of the state *board* of health under the rules and regulations to be established by the state *board* of health. No institution of any kind licensed pursuant to the provisions of sections 144.50 to 144.58 shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, lodging houses, boarding houses, and places of refreshment.

Sec. 6. Minnesota Statutes 1949, Section 144.55, is amended to read:

144.55. **Licenses, by state department of health.** The state *board* of health is hereby authorized to issue licenses to operate hospitals, sanatoriums, rest homes, nursing homes, or other related institutions, which after inspection are found to comply with the provisions of sections 144.50 to 144.58 and any reasonable regulations adopted by the state *board* of health. All decisions of the state *board* of health thereunder may be reviewed in the district court in the county in which the institution is located or contemplated.

The state *board of health may refuse to grant, refuse to renew, or may suspend or revoke a license on any of the following grounds:*

(1) Violation of any of the provisions of sections 144.50 to 144.58 or the rules, regulations, or *standards* issued pursuant thereto;

(2) Permitting, aiding, or abetting the commission of any illegal act in such institution;

(3) Conduct or practices detrimental to the welfare of the patient; or

(4) *Obtaining, or attempting to obtain a license by fraudulent means or misrepresentation.*

Before any such license [license] issued thereunder is suspended, or revoked, or *its renewal refused*, 30 days' written notice shall be given the holder thereof of the date set for hearing of the complaint. The holder of such license shall be furnished with a copy of the complaint and be entitled to be represented by legal counsel at such hearing. Such notice may be given by the state *board of health* by registered mail. *The board may appoint, in writing, any competent person to preside at such hearing who shall take testimony, administer oaths, issue subpoenas, and compel the attendance of witnesses and transmit the record of such hearing to the board. The decision of the board shall be based on the testimony and records.*

If a license is revoked as herein provided a new application for license may be considered by the state *board of health* if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of sections 144.50 to 144.58 and rules and regulations thereunder as heretofore or hereinafter provided have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the state *board of health*.

Sec. 7. Minnesota Statutes 1949, Section 144.56, is amended to read:

144.56. Standards. *Subdivision 1. The state board*

of health shall, *in the manner prescribed by law, adopt and enforce reasonable rules, regulations, and standards under sections 144.50 to 144.58 which it finds to be necessary and in the public interests and may rescind or modify them from time to time as may be in the public interest, insofar as such action is not in conflict with any provision thereof.*

*Subd. 2. In the public interest the board, by such rules, regulations, and standards, may regulate and establish minimum standards as to the construction, equipment, maintenance, and operation of the institutions insofar as they relate to sanitation and safety of the buildings and to the health, treatment, comfort, safety, and well-being of the persons accommodated for care. Construction as used in this subdivision means the erection of new buildings or the alterations of or additions to existing buildings commenced after the passage of this act.*

*Subd. 3. The board shall, with the advice of the director of social welfare, prescribe such general regulations and rules for the conduct of all institutions receiving maternity patients as shall be necessary to effect the purposes of all laws of the state relating to maternity patients and newborn infants so far as the same are applicable.*

*Subd. 4. The board of health may classify the institutions licensed under sections 144.50 to 144.58 on the basis of the type of care provided and may prescribe separate rules, regulations, and minimum standards for each class.*

Sec. 8. Minnesota Statutes 1949, Section 144.57, is hereby repealed.

[144.571] Sec. 9. **Advisory Board.** *An advisory board of nine members shall be appointed in the following manner to make recommendations to the state board of health and to assist in the establishment of such rules, regulations, and standards and any amendments thereto. This board shall consist of four members to be appointed annually from the membership of the Minnesota hospital association by the board of trustees thereof, one of said four members shall be the superintendent of a hospital operated by a county or other local governmental unit; one member representing homes for chronic or convalescent patients shall be appointed annually by the state board of health; and two members shall be doctors of medicine to be appointed annually from the Minne-*

*sota state medical association by the council of the Minnesota state medical association. The director of public institutions, or a person from said division designated by him, shall be the eighth member of said advisory board, and the director of social welfare shall designate the ninth member who will represent that division and the Minnesota county welfare boards.*

[144.572] Sec. 10. **Institutions excepted.** *No regulation nor requirement shall be made, nor standard established under sections 144.50 to 144.58 for any sanatorium, nursing home, nor rest home conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.*

Sec. 11. Minnesota Statutes 1949, Section 144.58, is amended to read:

144.58. **Information, confidential.** *Information of a confidential nature received by the state board of health through inspections and authorized under sections 144.50 to 144.58 shall not be disclosed except in a proceeding involving the question of licensure.*

Approved April 7, 1951.

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#### CHAPTER 305—S. F. No. 829

*An act relating to reorganization of school districts; authorizing school survey committees in counties having more than 300,000 and less than 450,000 inhabitants to submit both reorganization and assumption of bonded indebtedness, and with consent of school survey committee of adjoining county to include school districts in such adjoining county; amending Minnesota Statutes 1949, Section 122.52.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 122.52, is amended to read:

122.52. **Reorganization. Subdivision 1. Election.** *In the event the final report of any committee recommends the*