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State Legislation for Minimum Standards of Hospital Maintenance and Operation

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Prior to the passage of the Hospital Survey and Construction Act (Public Law 725, 79th Cong.), August 13, 1946, only 11 States had enforceable minimum standards for hospital maintenance and operation. Of these, Georgia and Missouri limited their authority to hospitals constructed with Federal aid. These two States passed legislation late in 1945, apparently in anticipation of the passage of the Federal Act.

The following States had legislation providing for comprehensive licensure of hospitals: California, District of Columbia, Maryland, Minnesota, South Dakota, Connecticut, Maine, Massachusetts, New York.

Section 623 (d) of Public Law 725 provides:

If any State, prior to July 1, 1948, has not enacted legislation providing that compliance with minimum standards of maintenance and operation shall be required in the case of hospitals which shall have received Federal aid under this title, such State shall not be entitled to any further allotments . . .

This meant that 41 States, in order to continuously participate in the national hospital survey and construction program, had to pass legislation for the enforcement of minimum standards of maintenance and operation.

In cooperation with the Hospital Facilities Division of the Public Health Service and the American Hospital Association, the Council of State Governments developed a model licensure statute which was made available to the various States for assistance in drafting satisfactory legislation. This model bill did not limit licensure to hospitals constructed under Public Law 725, but provided for the establishment and enforcement of standards for all hospitals. It was believed that only through such a universal act could standards be raised for all

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hospitals. It was also believed that licensure was the best vehicle for enforcing minimum standards.

The Hospital Facilities Division, charged with the responsibility of administering Public Law 725, established a reference service which, upon request, made suggestions and recommendations on all legislation relative to enforcement of minimum hospital standards. This service was offered gratuitously to the States upon initial introduction of a bill, its amendment and passage by either house, and upon final approval. In addition, and in close cooperation with the American Hospital Association, expert counsel was made available to various States requesting assistance in preparing legislation. Consequently, 25 States have passed comprehensive licensure laws covering all types of hospitals. These States are:

Alaska, Arizona, Arkansas, Colorado (except Government-owned hospitals not participating under P. L. 725), Florida, Idaho, Indiana, Iowa, Kansas, Mississippi, Montana, Nebraska.

New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia, Wyoming.

Eleven States passed laws for the enforcement of minimum standards of maintenance and operation for hospitals constructed under Public Law 725:

Illinois, Kentucky, Louisiana, Michigan, New Mexico, North Carolina, Ohio, Pennsylvania, Texas, Vermont, Wisconsin.

Four States were found to have legislation or inherent powers in existing departments for enforcement of minimum standards for hospitals constructed with Federal assistance. In each instance, in order to establish authority to enforce minimum standards of maintenance and operation an attorney general's opinion was required. These States are: Alabama, Delaware, Hawaii, Washington.

A year and a half after passage of Public Law 725, only Nevada and the Virgin Islands did not have enforceable minimum standards of maintenance and operation. However, an amendment by the Eightieth Congress provided that States subsequently passing enforceable maintenance and operation standards could be restored to eligibility for Federal funds. Both Nevada and the Virgin Islands may pass satisfactory acts in the next session of their legislatures.

The close relationship between various State acts for enforcement of minimum standards of maintenance and operation and the Hospital Survey and Construction Act is indicated by the fact that in all but three instances the same agency is charged with the responsibility for enforcing the minimum standards and also for administering the hospital survey and construction program. The three exceptions are Florida, Michigan, and New York. In a number of cases, the

licensure legislation was incorporated in the same act which created the authority for administering the program.

Generally, in order to be constitutional, legislation for enforcement of minimum standards of maintenance and operation must delineate the area of administering authority. Therefore, each State law generally includes the limits within which the discretion of the administrator or administrative agency may be exercised. Blanket authority to an administrative agency to make rules and regulations and enforce such rules would probably constitute improper delegation of legislative authority. The legislature is responsible for the enactment of laws. If an administrative agency were given the power to make regulations, without well defined limits, such agency would have virtually the law-making power of the legislature.

The authority of the administering agency has generally been delineated in the various statutes by the following:

- a. Description and type of hospitals covered.
- b. Specific delegation: To whom is the authority for establishing minimum standards of maintenance and operation specifically delegated?
- c. Enforcement techniques: How is enforcement and supervision of subject hospitals accomplished? This can generally be divided into two headings: (1) by licensing; (2) by rule making and ordering.
- d. Penalty: Maximum penalty determined, or the type of offense defined. Authority for exercising enforcement provisions such as by fine, injunction, or other means of penalizing an offender.
- e. Appellant process: To whom may the violator appeal and in what instances? General procedure therefor. (This is occasionally defined in State statutes as "General administrative procedures acts").

For either licensing or rule making and ordering, the administering agency ordinarily is given the power to prescribe the standards for hospital maintenance and operation. Both types of agencies generally have the power of inspection to determine whether or not the standards are being met. The method of enforcement of such standards will vary, however.

Usually, the licensing agency has discretion within the limitations of the legislation to issue or deny a license on the basis of compliance with the standards. If the licensing agency's ruling is adverse, the applicant or licensee has the burden of obtaining the reversal of the decision. Usually, this is accomplished by an appeal to the courts. General experience in other licensing programs had indicated that courts are somewhat reluctant to reverse the decisions of licensing agencies, and will do so only where there is error of law or abuse of discretion.

When the rule-making or ordering agency, on the other hand, determines that its standards are not being met, it must then obtain enforcement through the courts. Ordinarily, this will be done through another agency. Generally, the State attorney general will file a complaint in the courts and seek to compel enforcement either through an injunction or by fines and other penalties. In such a proceeding, the burden of proof is on the State rather than on the hospital. The State must show that, beyond reasonable doubt, the party alleged to be in violation actually violated the regulations. If this can be proved, and if the regulations are not open to attack as being unauthorized under the law or deemed to be arbitrary, the court may issue an order requiring enforcement or imposing a fine. Such a decision, however, may be appealed to higher courts, thus entailing considerable delay; furthermore, in case of subsequent violation of the standards, the same procedure usually must be followed. In this way a defendant may, by dilatory tactics, make effective enforcement of the ordering agency's standards difficult, if not impossible.

An example of the two enforcement techniques would be in the case where an enforceable rule required that no addition may be made to an existing facility unless it was structurally sound. In the case of licensing, the agency could require the licensee to furnish blueprints and affirmatively establish that the existing structure is sound. However, in the case of rule making and ordering, it would be necessary for the administering agency to obtain blueprints and furnish evidence that the existing structure was not sound in order to prohibit an addition to an unsafe structure.

It is clear that while the licensing agency and rule making and ordering agency may have equal authority to impose standards of maintenance and operation, the former will have available a much more effective means of enforcing the standards which it adopts.

Following is a supplement summarizing each State law for the establishment and enforcement of minimum standards of maintenance and operation.

The first column lists the State, the second column, the agency administering the establishment and enforcement of minimum standards of maintenance and operation, the third column lists the scope and limitations of the authority of the administering agency, the fourth column indicates whether or not the act can generally be classified as licensing or ordering, the fifth column lists the legislative references.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
Alabama-----	State Board of Health.	Authority to make rules and regulations for which shall provide standards for the construction and operation of hospitals constructed under P. L. 725 and require annual licensing and license renewals for such hospitals.	Licensing for hospitals constructed under P. L. 725.	Ala. Act No. 211, General Acts 1945; 1940 Ala. code, title 22, sec. 103; Atty. Gen. Opin., June 17, 1948.
Alaska-----	State Department of Health.	Comprehensive licensure law covering all hospitals in the Territory. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing-----	1947 New Laws, ch. 93, S. B. 79.
Arizona-----	do-----	Comprehensive licensure law covering all hospitals in the State. Licensing agency with advice of hospital advisory council establishes standards, inspects for compliance, approves plans and specifications for new construction, alterations and additions. License issued and renewed annually.	do-----	Ch. 130, H. B. 206, 1947.
Arkansas-----	do-----	Comprehensive licensure law covering all hospitals in the State. Licensing agency to establish standards which may include approval of plans and specifications for new construction, alteration and addition; and inspects for compliance. License issued and renewed annually.	do-----	Act. No. 85, Acts 1947, H. B. 109, 1947.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
California-----	State Department of Welfare for Mental—State Department of Health for all others.	Licensing by State Department of Health of all hospitals except Federal, State or county hospitals and mental hospitals. Attorney General's opinion held that county hospitals constructed under P. L. 725 also must meet minimum standards which can be enforced. Licensing agency, with the assistance and advice of an advisory council, promulgates rules, regulations and standards, issues and renews license, inspects and enforces regulations including plans and specifications for mental hospitals inspected and supervised by State Department of Welfare.	Licensing-----	Deering's Calif. Code, ch. 2, par. 1400-1421; Atty. Gen. Opin., February 6, 1948; div. 6, pt. 2 of the Welfare Code.
Colorado-----	State Department of Health.	Duty to establish and enforce standards for operation and maintenance of hospitals, sanatoria, homes for the aged, convalescent homes, maternity homes, asylums and other similar institutions except those totally owned and operated by any government unit or agency. Such governmentally owned hospitals constructed under P. L. 725 must meet minimum standards of maintenance and operation. Such standards may be enforced.	Licensing except for government owned facilities for which ordering applies.	Sec. 5, par. 14, S. B. 82, 1947.
Connecticut-----	do-----	Any person, firm or corporation is prohibited from operating a hospital without a license. However, the provisions do not apply to any hospital	Licensing-----	Sec. 409 (f) of cumulative Supp. of Gen. Stat. (general hospitals); sec. 1042 (e) of 1939 Supp.

Delaware-----do-----	wholly supported by the State, or to any hospital partially supported by the State which is approved by the American College of Surgeons. Separate sections provide for licensing of maternity hospitals and hospitals for mental patients. No provisions for licensing or enforcing minimum standards for tuberculosis hospitals.	Rule making and ordering.	(maternity); sec. 682 (c) of 1935 Supp. (mental).
District of Columbia-----	Power to establish and enforce minimum standards of maintenance and operation. Such power is under broad general health provisions. Standards may be enforced by injunction.	Licensing in name; ordering effect.	745, ch. 25; 779, ch. 36; 738, ch. 25, sec. 3, art. 1; 796, ch. 25; art. 21, 1935 code of Delaware; Atty. Gen. Opin., Sept. 15, 1948.
District of Columbia-----	No person may establish, maintain, or operate a hospital without a license. License remains in force until revoked or relinquished. Licensing agency has the power to establish and enforce minimum standards.	Licensing	D. C. Stat. pp. 32-301.
Florida-----	Comprehensive licensure law covering all hospitals. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing	1947 New Laws, p. 883, H. B. 257.
Georgia-----do-----	Broad powers to supervise hospitals. Aid under P. L. 725 requires permits in accordance with minimum standards established by the State Board of Health. Hospitals to be included are all those eligible for Federal aid or all public and voluntary non-profit institutions.	Licensing for hospitals eligible for Federal aid; ordering for all others.	Sec. 88-112 Ga. Code, Act 623, 1946 session.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
Hawaii-----	Territorial Department of Health.	The Territory may promulgate and enforce regulations governing hospitals. This is included in the general powers of the Territory.	Rule making-----	Hawaii Rev. Stat., secs. 2015 and 2020; Atty. Gen. Opin., July 28, 1947.
Idaho-----	Department of Public Health.	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing-----	1947 New Laws, S. B. 55.
Illinois-----	State Department of Health.	The licensing agency establishes and enforces minimum standards of maintenance and operation for hospitals constructed under P. L. 725.	-----do-----	1947 New Laws, H. B. 993.
Indiana-----	-----do----- Council for Mental Health for mental patients.	Same as Alaska for all hospitals except mental. Mental hospitals separately licensed.	-----do-----	Ch. 346, Laws 1945 as amended by ch. 173 of Laws of 1947. Ch. 225, Laws of 1947 (mental only).
Iowa-----	State Department of Health.	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	-----do-----	1947 New Laws, H. B. 465.

Kansas-----	State Board of Health-----	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	-----do-----	1947 New Laws, p. 737, H. B. 67.
Kentucky-----	State Department of Health-----	Establish and enforce minimum standards of maintenance and operation for hospitals constructed under P. L. 725. The powers are included in the general enabling provisions for participation in P. L. 725.	Ordering-----	1948 New Laws, H. B. 302; Atty. Gen. Opin., May 29, 1948.
Louisiana-----	State Hospital Board-----	Establish and enforce minimum standards of maintenance and operation for hospitals constructed under P. L. 725. The powers are included in the general enabling provisions for participation in P. L. 725.	-----do-----	1948 Laws, sec. 8, Act 65. Atty. Gen. Opin., Sept. 7, 1948.
Maine-----	State Department of Health and Welfare-----	Comprehensive licensure law covering all hospitals. License issued and renewed, based on applicant's proof of ability to meet minimum standards promulgated by licensing agency. State hospitals are exempt from these requirements.	Licensing-----	1945 Laws, S. B. 405.
Maryland-----	State Board of Health-----	Comprehensive licensure law covering all hospitals. License issued and renewed annually. Licensing agency establishes minimum standards for maintenance and operation.	-----do-----	1945 Laws, ch. 210.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
Massachusetts-----	State Department of Health and State Department of Mental Health (for mental only).	Comprehensive licensure law covers all hospitals except those caring exclusively for mental patients. The licensing agency establishes minimum standards for maintenance and operation. Mental hospitals not under the direction of the State Department of Mental Health are licensed by that Department.	Licensing-----	Sec. 71, ch. 111, Annotated Stats. of Mass.; sec. 33 and 34, ch. 213, Annotated Stats. of Mass. (mental only).
Michigan-----	State Department of Health.	With advice of Advisory Hospital Council promulgates and enforces minimum standards for hospitals constructed under P. L. 725.	Ordering-----	1948 extra session, H. B. 14 amending sec. 11, Act 299, Public Acts 1947.
Minnesota-----	Department of Health.	Any person, firm, or corporation is prohibited from operating a hospital without a license. Such license must be renewed annually. The licensing agency may inspect for compliance with minimum standards for maintenance and operation. Such standards are promulgated by Department of Health with advice of a special committee.	Licensing-----	Ch. 549, Minn. Session Laws of 1941 amended by ch. 649, Minn. Session Laws of 1945.
Mississippi-----	Commission on Hospital Care.	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	-----do.-----	1948 New Laws, p. 805, H. B. 687.

Missouri-----	Department of Public Health.	May establish and enforce minimum standards for maintenance and operation for hospitals constructed under P. L. 725.	Ordering-----	Sec. 975.39, Laws of 1945.
Montana-----	State Board of Health--	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing-----	Ch. 269, Laws 1947, H. B. 235.
Nebraska-----	Department of Health--	Comprehensive licensure law covering all hospitals in the State. Licensing agency with advice of hospital advisory council establishes standards, inspects for compliance, approves plans and specifications for new construction, alterations and additions. License issued and renewed annually.	-----do-----	1947 New Laws, p. 497, Leg. Bill 250.
Nevada-----	None-----	None-----	None-----	None.
New Hampshire--	State Health Department.	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing-----	Ch. 216, Laws 1947, H. B. 371.
New Jersey-----	Department of Institutions and Agencies.	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of the Hospital Licensing Board.	-----do-----	Ch. 340, Laws 1947.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
New Mexico.....	State Department of Health.	With advice of Hospital Advisory Council promulgates standards for maintenance and operation of hospitals constructed under P. L. 725. Issues and renews licenses to hospitals constructed under the Act meeting such standards. Licensing agency may inspect and revoke.	Licensing hospitals constructed under P. L. 725.	1947 substitute S. B. 12.
New York.....	-----do-----	The Department of Health has power and authority to amend, change and enforce the sanitary code, which has the full effect of law and relates to all matters of health.	Ordering-----	Art. 2, sec. 2-6, Public Health Law.
	State Board of Social Welfare.	The State Board of Social Welfare visits and inspects all hospitals eleemosynary in character or which receive public funds. If the Board determines patients are not being properly cared for it may issue an order to the manager of the institution requiring corrections. Such order must be approved by a Justice of the Supreme Court.	-----do-----	Art. 17, sec. 2 of N. Y. State Constitution.
	State Department of Health.	All maternity hospitals must be licensed by the State Board of Health. Power to establish standards and inspect for compliance. License must be renewed annually.	Licensing of maternity hospitals.	Art. 44, sec. 482, Penal Law.
	-----do-----	The State Department of Health has the authority to establish rules, inspect and enforce such rules in re-	Ordering-----	Art. 18, sec. 444; art. 19, sec. 350; art. 2, sec. 4-C Public Health Law.

Department of Mental Health.	spect to State institutions for malignant diseases, the State Hospital for the Care and Treatment of Crippled Children and for all contagious disease hospitals.	The Department of Mental Health has jurisdiction, supervision and control over all mental hospitals.	-----do-----	Art. 2, sec. 11, Mental Hygiene Law.
State Department of Health.	The Department of Health has the jurisdiction, supervision and control of all State tuberculosis hospitals. The Department is directed to issue rules and regulations with respect to such hospitals and has the power to enforce them.	-----do-----		Art. 16-A, sec. 338, Public Health Law.
New York City Department of Hospitals.	All New York City hospitals must be licensed by the City Department of Hospitals, with the right to establish standards and inspect for compliance. City owned institutions are exempt from this requirement.	Licensing-----		Ch. 23, sec. 583, New York City Charter. Atty. Gen. Opin. May 14, 1948, points out all hospitals covered by enforceable standards for maint. & operation.
North Carolina Medical Care Commission.	Authority to establish standards for maintenance and operation, with the advice of the Hospital Advisory Council. Licenses issued annually. Licensing agency inspects for compliance. Provisions apply only to those hospitals eligible for, or which may become eligible and apply for, Federal or State funds. Other hospitals may voluntarily come under the provisions of the Act.	Licensing for hospitals eligible for aid.		Act 13-A, secs. 131-126.4, 131-126.5, 131-126.7.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
North Dakota-----	Department of Health--	A "Health Council" establishes minimum standards. The Department of Health issues licenses pursuant to such standards, inspects for compliance. Advises hospitals on all phases of hospital administration. Licenses issued and renewed annually. State owned hospitals and homes licensed by the State Board of Public Welfare are exempt from these requirements. The Department of Health renders consultation service on all phases of hospital administration to State owned facilities.	Licensing-----	1947 New Laws, p. 448 H. B. 52.
Ohio-----	State Board of Public Welfare.	Licenses homes and hospitals exclusively for the aged, infirm and unmarried mothers.	-----	
	State Board of Health--	Prescribes and enforces minimum standards for maintenance and operation of hospitals constructed under P. L. 725.	Ordering-----	Sec. 10, H. B. 490, 1947 New Laws.
	-----do-----	Licenses maternity hospitals-----	Licensing-----	Sec. 6276, Ohio Code.
	Department of Public Welfare.	Licenses mental hospitals-----	-----do-----	Sec. 1890-20, Ohio Code.
Oklahoma-----	State Board of Health--	Licensing agency establishes minimum standards, issues and renews licenses thereon, inspects for compliance all hospitals covered, except Federal and State operated mental hospitals.	-----do-----	Title 63, ch. 1, 1945 Okla. Statutes.

Oregon-----	-----do-----	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	-----do-----	Ch. 188, Oregon, 1947 New Laws.
Pennsylvania-----	Department of Welfare-----	The Department of Welfare is required to establish and enforce minimum standards for maintenance and operation for hospitals constructed under P. L. 725.	Ordering-----	1947 New Laws, S. B. 608
Puerto Rico-----	Insular Department of Health-----	Comprehensive licensure law covering all hospitals on the Island. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing-----	1948 New Laws, Act 74, H. B. 675.
Rhode Island-----	State Department of Public Health-----	A comprehensive licensure law. The Director of the State Department of Public Health has the power to make rules and regulations for the lodging, care, and treatment of persons suffering disease, physical or mental conditions. Such Director after receiving an application for a license shall make such investigations as he deems necessary before issuing or denying a license. Licenses must be renewed annually.	-----do-----	1948 New Laws, p. 131, H. B. 966.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
South Carolina-----	State Board of Health---	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing-----	Secs. R-511, H-925, S-721 as revised by 1947 Act 522.
South Dakota-----	-----do-----	Requires a license from the State Board of Health for every hospital and nursing home except duly incorporated children's institutions. The regulations of the State Board of Health are restricted to the sanitary and safe condition of the premises, cleanliness of operation, and physical equipment of the institution.	-----do-----	S. Dak. Session Laws, p. 112, ch. 108.
Tennessee-----	State Department of Public Health and "Hospital Board."	An eight-member "Hospital Board" established under the general jurisdiction of the State Department of Public Health. Board establishes minimum standards, holds hearings on licenses and revocations. It recommends issuing or withholding license to operate a hospital to the State Department of Public Health, which Agency actually issues or withholds license. The "Hospital Advisory Council" must also approve all minimum standards, rules or regulations. The Department of Public Health must periodically inspect all hospitals licensed under this Act.	-----do-----	1947 New Laws, ch. 13, H. B. 232.

Texas-----	State Board of Health.	This Act applies to all hospitals in the State.	Ordering-----	Atty. Gen. Opin. June 30 1948.
Utah-----	do-----	The State Board of Health through broad grant of powers has the authority to promulgate and enforce minimum standards for maintenance and operation for all hospitals constructed under P. L. 725.	Licensing-----	1947 New Laws, p. 299, S. B. 104.
Vermont-----	Vermont Hospital Survey and Construction Committee.	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Ordering-----	P. L. 147, 1947, Atty. Gen. Opin. January 12, 1948.
Virginia-----	State Department of Health.	A commission of five members was established for the State Administration of the Hospital Survey and Construction Act. This commission was authorized and directed to "by regulation prescribe minimum standards of maintenance and operation of hospitals which receive Federal aid for construction." The Attorney General has ruled such standards are enforceable.	Licensing-----	Ch. 15, New Laws of 1947.
Virgin Islands-----	None	Comprehensive licensure law covering all hospitals. License issued and renewed annually. Licensing agency establishes minimum standards for maintenance and operation.	None-----	None.

State	Administering agency	Scope of authority	Licensing or ordering	Reference
Washington-----	State Board of Health--	Power to establish minimum standards as well as to establish such standards for hospitals constructed under P. L. 725 are inherent in the general supervisory powers of the State Board of Health. Failure to comply with such standards could result in an action, in that the continued operation of the violating institution constitutes a nuisance.	Ordering-----	Atty. Gen. Opin. August 8, 1947.
West Virginia-----	do-----	Comprehensive licensure law covering all hospitals. License issued and renewed, based on applicant's proof of ability to meet minimum standards promulgated by licensing agency. State hospitals are exempt from these requirements.	Licensing-----	W. Va. 1947 New Laws, p. 11, S. B. 51.
Wisconsin-----	do-----	State Board of Health required to prescribe minimum standards for maintenance and operation of Federally aided hospitals. Legal authority exists for enforcement of these standards.	Ordering-----	Ch. 235, Laws of 1947.
Wyoming-----	State Department of Health.	Comprehensive licensure law covering all hospitals in the State. License shall be used and renewal based on applicant's affirmative evidence of ability to comply with standards developed by licensing agency with advice of Advisory Hospital Council.	Licensing-----	1948 special session, H. B. 6.

INCIDENCE OF DISEASE

No health department, State or local, can effectively prevent or control disease without knowledge of when, where, and under what conditions cases are occurring

UNITED STATES

REPORTS FROM STATES FOR WEEK ENDED JANUARY 1, 1949

Following last week's decline, the incidence of influenza increased slightly to a total for the current week of 2,821 cases, as compared with 2,165 last week, 2,644 for the next earlier week, and a 5-year (1943-47) median of 3,835. Five States reporting an aggregate of 2,453 cases (last week 1,858), are as follows (last week's figures in parentheses): Virginia 253 (398), South Carolina 413 (131), Arkansas 267 (158), Texas 1,315 (1,032), Arizona 205 (139). A total of 36,270 cases has been reported since July 31, approximate average seasonal low date, as compared with 36,696 for the same period last year, which latter figure was also the 5-year median for the period.

Of the total of 7,050 cases of measles reported currently (last week 6,147, 5-year median 2,723), the New England, Middle Atlantic, South Atlantic, and West South Central areas reported 5,008 (last week 4,139), and 3,092 cases occurred in 4 States, as follows (last week's figures in parentheses): Massachusetts 1,102 (1,017), New York 512 (322), Maryland 406 (402), and Texas 1,072 (892). No other State except Pennsylvania (290) reported more than 257 cases. Since September 4, approximate average date of seasonal low incidence, 52,393 cases have been reported, as compared with 30,217 for the same period last year and a 5-year median of 26,124.

Of the total of 164 cases of poliomyelitis reported currently (last week 203, 5-year median 76), only 2 States (California 62, last week 68 and Texas 16, last week 8) reported more than 9 cases. Of 27,677 cases reported during the past 52 weeks, California reported 5,560, North Carolina 2,509, Texas 1,780, New York 1,486, Minnesota 1,423, Iowa 1,242, Ohio 1,169, and Illinois 1,122.

During the week 4 cases of smallpox were reported, 1 each in North Dakota, South Dakota, Nebraska, and Montana. California reported 1 case of anthrax, and Georgia 1 case of Rocky Mountain spotted fever.

Deaths recorded during the week in 93 large cities in the United States totaled 10,642, as compared with 8,789 last week, 10,418 and 11,928, respectively, for the corresponding weeks of 1947 and 1946, and a 3-year median of 10,418. The total for the year to date is 487,063, as compared with 488,486 last year. Infant deaths for the week totaled 669, last week 600, 3-year median 725. The cumulative figure is 35,232, same period last year 38,620.

Telegraphic case reports from State health officers for week ended Jan. 1, 1949

(Leaders indicate that no cases were reported)

Division and State	Diphtheria	Enteric fever	Influenza	Measles	Men- ingitis, gonococ- cal	Pneu- monia	Polio- myeli- tis	Rocky Mt. spot- ted fever	Scarlet fever	Small- pox	Tula- remia	Typhoid and para- typhoid fever	Whoop- ing cough	Rabies in animals
NEW ENGLAND														
Maine.....	2	.....	1	257	.....	12	.....	.....	14	.....	.....	.....	5	.....
New Hampshire.....	.....	.....	.....	10	1	1	.....	.....	1	.....	.....	.....	.....	.....
Vermont.....	.....	.....	.....	254	.....	.....	.....	.....	18	.....	.....	.....	3	.....
Massachusetts.....	15	.....	.....	1, 102	3	32	1	.....	196	.....	1	2	67	.....
Rhode Island.....	2	.....	.....	45	5	5	.....	.....	5	.....	.....	1	4	.....
Connecticut.....	51	.....	.....	51	2	28	.....	.....	26	.....	.....	.....	3	.....
MIDDLE ATLANTIC														
New York.....	10	.....	b 3	512	8	228	9	.....	o 166	.....	.....	4	89	5
New Jersey.....	1	.....	2	206	4	81	1	.....	83	.....	.....	.....	27	2
Pennsylvania.....	7	1	(c)	290	5	.....	1	.....	113	.....	.....	2	46	3
EAST NORTH CENTRAL														
Ohio.....	11	.....	2	58	4	101	7	.....	202	.....	4	.....	41	23
Indiana.....	5	.....	1	28	.....	1	.....	.....	39	.....	.....	1	4	20
Illinois.....	1	.....	3	21	3	117	2	.....	91	.....	6	1	19	3
Michigan.....	.....	.....	.....	218	2	28	3	.....	172	.....	.....	1	28	1
Wisconsin.....	.....	.....	2	169	1	2	1	.....	82	.....	.....	.....	19	.....
WEST NORTH CENTRAL														
Minnesota.....	2	1	.....	2	5	9	9	.....	43	.....	.....	.....	3	3
Iowa.....	1	.....	.....	8	2	2	8	.....	36	.....	.....	.....	7	.....
Missouri.....	7	.....	5	127	2	19	2	.....	28	.....	7	3	.....	.....
North Dakota.....	1	.....	3	28	.....	1	1	.....	14	.....	1	.....	2	.....
South Dakota.....	.....	.....	.....	2	1	.....	.....	.....	4	1	.....	.....	.....	.....
Nebraska.....	3	.....	45	3	.....	.....	1	.....	11	.....	.....	.....	.....	.....
Kansas.....	.....	.....	2	24	.....	8	1	.....	20	.....	1	.....	9	.....
SOUTH ATLANTIC														
Delaware.....	1	.....	1	6	.....	.....	.....	.....	1	.....	.....	.....	.....	.....
Maryland.....	4	.....	1	408	1	31	1	.....	16	.....	1	.....	9	.....
District of Columbia.....	1	.....	.....	23	.....	.....	.....	.....	6	.....	.....	.....	2	.....
Virginia.....	7	.....	253	253	1	57	.....	.....	18	.....	3	1	18	2
West Virginia.....	2	.....	50	.....	2	2	6	.....	15	.....	.....	.....	6	.....
North Carolina.....	9	.....	.....	94	2	121	.....	.....	26	.....	2	.....	25	.....
South Carolina.....	6	.....	413	31	2	10	1	.....	7	.....	.....	1	19	4
Georgia.....	9	.....	16	147	.....	.....	.....	.....	21	.....	2	2	.....	6
Florida.....	7	.....	15	69	1	20	6	1	8	.....	.....	.....	2	3

EAST SOUTH CENTRAL									
Kentucky.....	9	58	69	21	2	43	4	1	12
Tennessee.....	10	18	59	44	2	58	1	1	9
Alabama.....	13	19	234	37	1	12	1	2	12
Mississippi.....	3	19	14	32	2	14	1	2	8
WEST SOUTH CENTRAL									
Arkansas.....	3	287	152	47	1	6	2	3	6
Louisiana.....	2	13	15	61	3	6	4	3	3
Oklahoma.....	8	30	14	12	1	18	1	3	4
Texas.....	22	1,315	1,072	224	16	42	1	3	62
MOUNTAIN									
Montana.....	4	6	55	13	1	5	1	1	5
Idaho.....	2	2	3	1	1	28	1	1	1
Wyoming.....	2	2	3	1	1	1	1	1	1
Colorado.....	4	25	53	33	2	10	1	1	8
New Mexico.....	3	66	66	21	1	12	1	1	8
Arizona.....	2	109	205	22	2	4	1	1	6
Utah.....	2	179	179	2	3	3	1	1	4
Nevada.....	2	179	179	2	3	3	1	1	4
PACIFIC									
Washington.....	2	2	173	5	5	46	1	1	1
Oregon.....	2	13	244	23	1	14	1	1	9
California.....	6	27	205	30	62	47	1	3	17
Total.....	202	2,821	7,161	1,568	164	1,935	4	35	619
Median, 1943-47.....	300	3,835	2,723	162	76	2,211	3	45	1,570
Year to date, 52 weeks.....	9,724	175,085	603,918	3,280	1,27,677	78,314	65	3,592	72,966
Median, 1943-47.....	14,126	367,868	602,085	7,999	13,734	140,475	349	4,875	123,554
Seasonal low week-ends.....	(27th)	(30th)	(35th)	(37th)	(11th)	(32d)	(35th)	(11th)	(38th)
Since seasonal low week.....	July 10	July 31	Sept. 4	Sept. 18	Mar. 20	Aug. 14	Sept. 4	Mar. 20	Oct. 2
Median, 1943-47.....	7,566	36,686	52,504	844	1,27,327	22,698	15	3,119	10,033
			20,124	1,504	13,337	38,571	76	4,251	26,018

^a Period ended earlier than Saturday.

^b New York City and Philadelphia only, respectively.

^c Including cases reported as streptococcal infection and septic sore throat.

^d Including paratyphoid fever, currently reported separately, as follows: South Carolina, 1; Georgia, 1; Washington, 1; Oregon, 1; California, 1. Salmonella infections, not included, were reported as follows: Massachusetts, 2; New York, 2.

^e Anthrax: California, 1 case.

^f Alaska: No cases to report.

^g Territory of Hawaii: Diphtheria, 1; influenza, 1; measles, 326; lobar pneumonia, 1.

^h Delayed reports: Poliomyelitis, Nebraska, 10 cases; Iowa, 19; typhoid fever, Iowa, 3.

FOREIGN REPORTS

CANADA

Provinces—Communicable diseases—Week ended December 11, 1948.—During the week ended December 11, 1948, cases of certain communicable diseases were reported by the Dominion Bureau of Statistics of Canada as follows:

Disease	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total
Chickenpox.....		99	5	273	762	107	113	187	347	1,893
Diphtheria.....				16	8	1				25
Dysentery, bacillary.....				4						4
Encephalitis, infectious.....				19	11		3	9	5	47
German measles.....					3	1			5	45
Influenza.....		36		349	124	106	61	140	113	949
Measles.....		53	3							
Meningitis, meningococcal.....				1	1				3	5
Mumps.....	13	1	132	208	64	12	46	76	552	
Poliomyelitis.....	1						2	2	5	
Scarlet fever.....	5	5	105	89	6		6	3	219	
Tuberculosis (all forms).....	9	10	94	29	12	8	19	46	227	
Typhoid and paratyphoid fever.....	1		11					3	15	
Undulant fever.....			2					1	3	
Veneral diseases:										
Gonorrhea.....	11	11	127	70	30	21	38	59	367	
Syphilis.....	8	16	79	58	4	9	6	11	191	
Whooping cough.....	4		86	59	4	2	7		162	

JAPAN

Notifiable diseases—4 weeks ended November 27, 1948, and accumulated totals for the year to date.—For the 4 weeks ended November 27, 1948, and for the year to date, certain notifiable diseases have been reported in Japan as follows:

Disease	4 weeks ended November 27, 1948		Total reported for the year to date	
	Cases	Deaths	Cases	Deaths
Diphtheria.....	1,556	151	14,521	1,291
Dysentery, unspecified.....	344	110	14,453	3,979
Encephalitis, Japanese "B".....	83	103	7,662	2,941
Gonorrhea.....	13,444		204,914	
Influenza.....	91		2,664	
Malaria.....	116	5	4,831	40
Measles.....	2,189		50,348	
Meningitis, epidemic.....	62	11	1,956	489
Paratyphoid fever.....	119	9	2,716	143
Pneumonia.....	4,101		102,689	
Scarlet fever.....	247	8	2,525	39
Smallpox.....	2		29	1
Syphilis.....	14,622		199,772	
Tuberculosis.....	25,102		350,319	
Typhoid fever.....	549	67	8,754	1,049
Typhus fever.....	12		450	31
Whooping cough.....	2,540		48,611	

¹ Includes suspected cases.

NOTE.—The above figures have been adjusted to include delayed and corrected reports.

CEYLON

Poliomyelitis.—During the week ended October 23, 1948, 12 cases of poliomyelitis with 1 death were reported in Ceylon. The total for the period May 23–October 23 is 153 cases with 8 deaths.

CUBA

Habana—Communicable diseases—4 weeks ended November 27, 1948.—During the 4 weeks ended November 27, 1948, certain communicable diseases were reported in Habana, Cuba, as follows:

Disease	Cases	Deaths
Diphtheria.....	19	.....
Measles.....	3	.....
Tuberculosis.....	4	.....
Typhoid fever.....	18	.....

Provinces—Notifiable diseases—4 weeks ended November 27, 1948.—During the 4 weeks ended November 27, 1948, cases of certain notifiable diseases were reported in the Provinces of Cuba as follows:

Disease	Pinar del Rio	Habana ¹	Matanzas	Santa Clara	Camaguey	Oriente	Total
Cancer.....	5	11	12	16	1	17	62
Chickenpox.....		1					1
Diphtheria.....	1	24	1			3	29
Leprosy.....		11	1		1	3	16
Malaria.....		6		11	13	34	64
Measles.....		2					2
Poliomyelitis.....			1				1
Tetanus.....					1		1
Tuberculosis.....	14	18	13	13	11	11	80
Typhoid fever.....	10	30	2	29	2	21	94
Undulant fever.....		2					2
Yaws.....						1	1

¹ Includes the city of Habana.

REPORTS OF CHOLERA, PLAGUE, SMALLPOX, TYPHUS FEVER, AND YELLOW FEVER RECEIVED DURING THE CURRENT WEEK

Note.—The following reports include only items of unusual incidence or of special interest and the occurrence of these diseases, except yellow fever, in localities which had not recently reported cases. All reports of yellow fever are published currently.

A table showing the accumulated figures for these diseases for the year to date is published in the **PUBLIC HEALTH REPORTS** for the last Friday in each month.

Cholera

Pakistan—East Bengal Province.—Cholera has been reported in East Bengal Province, Pakistan, in recent weeks as follows: Week ended October 16, 1948, 745 cases, 443 deaths; week ended October 23, 991 cases, 593 deaths; week ended October 30, 1,263 cases, 713 deaths; week ended November 6, 1,173 cases, 756 deaths.

Plague

Indochina (French)—Vientiane.—During the week ended December 25, 1948, 1 case of plague was reported in Vientiane (Laos State), French Indochina.

Smallpox

China—Amoy.—During the period December 1–20, 1948, 127 cases of smallpox were reported in Amoy, China.

Iraq.—For the week ended December 25, 1948, 38 cases of smallpox were reported in Iraq, including 3 cases in Baghdad and 3 cases in Basra.

Syria—Damascus.—During the week ended December 11, 1948, 25 cases of smallpox were reported in Damascus, Syria.

Transjordan.—During the week ended December 18, 1948, 11 cases of smallpox were reported in Transjordan.

Typhus Fever

Germany—United States Zone.—During the week ended November 27, 1948, 3 cases of typhus fever (murine type) were reported in the Bremen area of the United States Zone of Germany.

Yellow Fever

No reports of yellow fever were received during the current week.

DEATHS DURING WEEK ENDED DEC. 25, 1948

[From the Weekly Mortality Index, issued by the National Office of Vital Statistics]

	Week ended Dec. 25, 1948	Correspond- ing week, 1947
Data for 93 large cities of the United States:		
Total deaths.....	8,789	8,891
Median for 3 prior years.....	9,380	-----
Total deaths, first 52 weeks of year.....	476,421	478,068
Deaths under 1 year of age.....	600	649
Median for 3 prior years.....	649	-----
Deaths under 1 year of age, first 52 weeks of year.....	34,563	37,895
Data from industrial insurance companies:		
Policies in force.....	70,740,929	66,935,951
Number of death claims.....	12,153	8,896
Death claims per 1,000 policies in force, annual rate.....	9.0	6.9
Death claims per 1,000 policies, first 52 weeks of year, annual rate.....	9.2	9.2