

CHAPTER 627—S.F.No.1613

[Coded]

An act relating to public welfare; authorizing the commissioner of public welfare to license and regulate day care and residential facilities and services for the mentally ill, inebriate, and physically handicapped; prohibiting the operation of such facilities and services without a license; providing penalties.

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

Section 1. **[245.78] PUBLIC WELFARE; MENTALLY ILL, INEBRIATE, AND PHYSICALLY HANDICAPPED; DAY CARE FACILITIES; LICENSING.** The commissioner of public welfare shall establish rules, regulations, and guidelines after public hearings for the licensing and operation of day care and residential facilities and services for the mentally ill, inebriate and physically handicapped. Such rules, regulations and guidelines shall set forth minimum qualifications for operators of such facilities and services, standards for determination of local need which shall be a prerequisite for licensure, and rules and regulations for the operation of all licensed facilities. Such rules and regulations may incorporate rules and regulations suggested by the state fire marshal or the commissioner of health. Licenses may be issued to any individual, organization or association at the discretion of the commissioner for a period of one year. No person, organization or association shall operate a day care or residential facility or service for the mentally ill, inebriate or physically handicapped after such date as the commissioner shall establish without a license as provided by this act unless specially exempted from the provisions of this act by section 2.

Sec. 2. **[245.79] EXCLUSIONS.** This act shall not apply to any facility or service providing residential or day care to less than five persons or to persons other than the mentally ill, inebriates or physically handicapped.

Sec. 3. **[245.80] REVOCATION AND RENEWAL; FEE.** Subdivision 1. A license issued pursuant to this act may be revoked after notice and hearing if the commissioner determines that the licensee is not operating in accordance with the rules, regulations and guidelines established by the commissioner or if the commissioner deems such revocation in the public interest. Such revocation shall be made in accordance with the provisions of Minnesota Statutes, Chapter 15.

Subd. 2. The commissioner may renew any license issued pursuant to this act, for additional periods of one year if he determines that such renewal is in the public interest and that the licensee has complied with all or substantially all of the rules, regulations and guidelines, promulgated by the commissioner.

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Subd. 3. The commissioner may charge a fee for the issuance of a license or the renewal of a license in accordance with this act. The fees so collected shall be sufficient to offset costs of administering this program. In no event shall the fee exceed \$150. All fees collected shall be deposited in the general fund in the state treasury.

Sec. 4. [245.81] **COUNTY WELFARE PLACEMENT.** Persons for whom facilities and services are licensed by this act and who are under the care and supervision of any county welfare department and who need placement in residential, after care or day care facilities shall be placed only in facilities licensed in accordance with this act.

Sec. 5. [245.82] **STAFF; DELEGATION OF DUTIES.** The commissioner may delegate such of the powers and duties granted to him by this act to county welfare boards or to a body established pursuant to Minnesota Statutes, Sections 245.61 to 245.69 if and when he deems such delegation appropriate.

Approved June 1, 1971.

CHAPTER 628—S.F.No.1523

[Coded]

An act relating to health; requiring a certificate of need prior to the construction or modification of certain health care facilities; and providing for the issuance of certificates of need.

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

Section 1. [145.71] **HEALTH CARE FACILITIES; CERTIFICATE OF NEED ACT; PURPOSE; CITATION.** Subdivision 1. **FINDINGS: STATEMENT OF PURPOSE.** The legislature finds that the unnecessary construction or modification of health care facilities increases the cost of care and threatens the financial ability of the public to obtain necessary medical services. The purposes of this act are to promote comprehensive health planning; to assist in providing the highest quality of health care at the lowest possible cost; to avoid unnecessary duplication by ensuring that only those health care facilities which are needed will be built; and to provide an orderly method of resolving questions concerning the necessity of construction or modification of health care facilities.

It is the policy of this act that decisions regarding the construction or modification of health care facilities should be based on the

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