

Minutes of Meeting - HEALTH AND WELFARE COMMITTEE -56th
ASSEMBLY SESSION - March 25, 1971

Present: Swallow, White, Valentine, Wilson, Glaser, Smalley,
Homer and Poggione

Absent: Prince

Guest: Darrell Luce, Christian Science Church Representative

Meeting was convened by Chariam Wilson at 4:20 P.M.

A.B. 702: Provides new procedures for licensing and regulating
hospitals, nursing and rest homes.

This bill was discussed at the last meeting. Darrell Luce,
Christian Science Church Representative, wanted to seek
amendments to this bill. He gave each of the members proposed
amendments. Mr. Luce stated he didn't mind being inspected
for sanitary and safety purposes, but medical questions would
be asked for licensing. His church does not want to have to
have medical authority.

A.B. 771: Proposes various amendments relating to care, treat-
ment, and hospitalization of mentally ill.

Mr. Valentine, sponsor of A.B. 771, stated this bill basically
provides that the Superintendent of the State Hospital can
dispose of a patients' personal belongings and property if they
die and have no family. Mr. Valentine asked that this bill be
held until Dr. Mc Allister could be here to explain the reasoning
behind this bill. Mr. Valentine suggested that the Committee
go through the State Hospital to see just how things are run.
The Committee agreed. This will be done at a later date.

A.B. 772: Provides for licensing of podiatry hygienists.

There was nobody here to testify on this bill. This bill will
be held until people can be notified.

Mr. Wilson discussed introducing BDR 54-2130*. Mr. Valentine
made a motion to introduce it as a Committee; Poggione seconded;
motion carried unanimously.

Meeting adjourned at 5:10 P.M.

*A.B. 795

ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH AND WELFARE

200

Date March 25 Time P.M. Recess Room 328

Bills or Resolutions
to be considered

Subject

Counsel
requested*

A.B. 771

Proposes various amendments relating
to care, treatment, and hospitalization
of mentally ill.

A.B. 772

Provides for licensing of podiatry
hygienists.

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

Date _____ Time _____ Room _____
Subject _____

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and health care. The...
 ...of any well recognized...
 ...for the purpose of pro-
 ...the care or treatment of...
 ...or spiritual means for...
 ...of such churches or...
 ...Health & Safety Code 4142.5

...and...
 ...the...
 ...

persons who adhere to the faith of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who rely upon prayer or spiritual means for healing in the practice of the religion of such church or denomination." -- Cal. Welfare & Instns Code 7005.

IDAHO (Part of a law providing for the licensing, inspection and regulation of hospitals.) "Provided that nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination except as to sanitary and safe conditions of the premises, cleanliness of operation and its physical equipment." -- Idaho Code 10-1307.

ILLINOIS (Part of a law for the licensing and regulation of homes for the maintenance, care and nursing of persons who are ill or physically infirm.) "Nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the medical supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination." -- Ill. Ann. Stat. ch. 115, § 10.17.

NURSING INSTITUTIONS

ARIZONA (Part of a law relating to nursing homes.) “Nothing in this chapter or the rules and regulations adopted thereunder shall be construed as authorizing the supervision, regulation, or control of: The remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.”—Ariz. Rev. Stat. Ann. §36-402.

CALIFORNIA (Part of a law providing for State licensing, inspection, regulation, and supervision of public and private hospitals.) “The provisions of this chapter do not apply to any of the following institutions: ... (c) Any hospital conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.”—Cal. Health & Safety Code §1415.

(The word “hospital” according to the Health and Safety Code of California, Section 1401, includes sanatorium, nursing home, and maternity home.)

(Part of a law relating to establishments rendering services to handicapped persons and providing for the licensing, inspection, and regulation of such establishments.) “ ‘Establishment’ ... does not include any sanatorium, establishment, home, or institution conducted by or for the adherents of any well recognized religious sect, denomination or organization for the purpose of providing facilities for the care of handicapped persons who depend upon prayer or spiritual means for healing in the practice of the religion of such sect, denomination or organization, ...” Cal. Health & Safety Code 1501(b).

(Part of a law providing for the surveying and construction of hospital and health centers.) “This chapter shall not apply to any sanatorium or institution conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.”—Cal. Health & Safety Code 430.8.

(Part of a law providing for the licensing and inspection of private mental institutions.) “The provisions of this chapter do not apply to any private institution conducted

by and for persons who adhere to the faith of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who rely upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.”—Cal. Welfare & Inst’ns Code 7005.

IDAHO (Part of a law providing for the licensing, inspection and regulation of hospitals.) “Provided that nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination except as to sanitary and safe conditions of the premises, cleanliness of operation and its physical equipment.”—Idaho Code 39-1307.

ILLINOIS (Part of a law for the licensing and regulation of homes for the maintenance, care, and nursing of persons who are ill or physically inform [sic].) “Nothing in this Act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the medical supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.”—Ill. Ann. Stat. ch. 1114, 35.27.



DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
WELFARE ADMINISTRATION
WASHINGTON, D.C. 20450

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BUREAU OF PUBLIC SERVICE

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January 27, 1964

J. Brough Stokes, Ph.D.
Manager
Christian Science Committee on
Publications
1001 Eye Street, N.W.
Washington 6, D.C.

Dear Doctor Stokes:

This letter references to our correspondence of January 25. Please be assured of my availability whenever clarification of the law or policy is needed or whenever problems arise which I can help solve.

As requested, the primary purpose of this letter is to assure you that the services of Christian Science committees, visiting nurses, visiting nurse services, and private duty nursing are encompassed within the phrase "any other type of residential care recognized under State law, specified by the Secretary," as this phrase appears in Section 1905 of the Social Security Act. However, it would not be necessary for a State to use this exact phrase in order to include Christian Science care among its services. The individual States have discretion as to the choice of language and could include Christian Science care in more specific terms.

There will be no requirement that Christian Science services be subject to approval by physicians; the States will, however, insist that services conform to the standards prescribed by your national organization and will, we trust, utilize consultation from sources recognized by your church.

You are aware that the scope of care furnished is largely left to the discretion of the individual States; P.L. 88-47 leaves this discretion in some ways, but not with respect to Christian Science.

Sincerely yours,

Carol E. H. Wolder
Acting Chief
Division of Medical Services

The original document is of poor quality, but is readable upon careful inspection.
Library staff has transcribed the original document, the text of which follows.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
WELFARE ADMINISTRATION
WASHINGTON, D.C. 20201

BUREAU OF FAMILY SERVICES

IN REPLY REFER TO
FILE NO. 15:MS

January 27, 1966

J. Buroughs Stokes, Ph.D.
Manager
Christian Science Committee on
Publication
1601 Eye Street, N.W.
Washington 6, D.C.

Dear Doctor Stokes:

This has reference to our conversation of January 26. Please be assured of my availability whenever clarification of the law or policy is needed or whenever problems arise which I can help solve.

As requested, the primary purpose of this letter is to assure you that the services of Christian Science sanatoriums, nursing homes, visiting nurse services, and private duty nursing are encompassed within the phrase "any other type of remedial care recognized under State law, specified by the Secretary;" as this phrase appears in Section 1905 of the Social Security Act. However, it would not be necessary for a State to use this exact phrase in order to include Christian Science care among its services. The individual States have discretion as to the choice of language and could include Christian Science care in more specific terms.

There will be no requirement that Christian Science services be subject to approval by physicians; the State will, however, insist that services conform to the standards proclaimed by your national organization and will, we trust, utilize consultation from sources recognized by your church.

You are aware that the scope of care furnished is largely left to the discretion of the individual State; P.L. 89-97 limits this discretion in some ways, but not with respect to Christian Science.

Sincerely yours,

Carel E.H. Mulder
Acting Chief
Division of Medical Services

Add to Section 11 on Page 1

This act shall not apply to any institution conducted by and for the adherents of any church or religious denomination, for the purpose of providing facilities for the care and treatment of the sick who depend wholly upon spiritual means through prayer for healing, in the practice of the religion of such church or denomination. However, these institutions must comply with all rules and regulations relative to construction and safety as other institutions of similar category.

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PROPOSED AMENDMENT TO AB 702:

Add to Section 12 on Page 3

This act shall not apply to any institution conducted by and for the adherents of any church or religious denomination, for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing, in the practice of the religion of such church or denomination. However, these institutions must comply with all rules and regulations relative to sanitation and safety as other institutions of similar category.