

Report of the

SPECIAL NURSING HOME INVESTIGATING COMMITTEE

to the

Fifty-seventh Iowa General Assembly

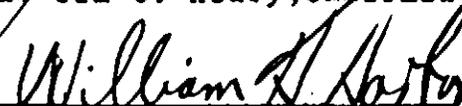
April, 1957

THIS COMMITTEE RECOMMENDS:

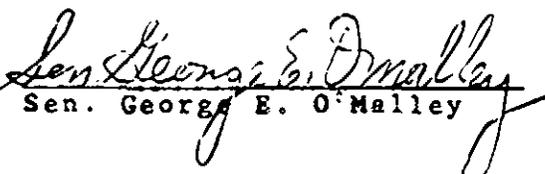
1. THAT A LAW BE ENACTED DURING THIS SESSION TO PROVIDE FOR THE LICENSING, INSPECTION AND REGULATION OF NURSING HOMES AND CUSTODIAL CARE HOMES. (H.F.572 provides for this.)
2. THAT A LAW BE ENACTED DURING THIS SESSION TO PROVIDE FOR THE LICENSING OF NON-CARE BOARDING AND ROOMING HOMES FOR THE AGED TO PROMOTE ADEQUATE FIRE SAFEGUARDS AND PROPER SANITATION IN THESE HOMES.
3. THAT A LAW BE ENACTED DURING THIS SESSION TO PROMOTE ADEQUATE FIRE SAFEGUARDS IN BUILDINGS, OTHER THAN FAMILY HOMES, WHERE GROUPS OF PEOPLE ARE HOUSED. (S.F.81 provides for this.)
4. THAT A LAW BE ENACTED DURING THIS SESSION TO PERMIT ANY COUNTY TO ESTABLISH NURSING HOMES FOR ELDERLY CITIZENS UPON THE APPROVAL OF THE VOTERS OF SUCH COUNTY.
5. THAT THE POLICY OF TRANSFERRING ELDERLY MENTAL PATIENTS TO THE COUNTY HOMES AND PRIVATE NURSING AND CUSTODIAL CARE HOMES BE CAREFULLY RE-EXAMINED TO DETERMINE WHETHER THE POLICY IS WORKING OUT SATISFACTORILY.
6. THAT A SPECIAL COMMITTEE BE CREATED BY THE GENERAL ASSEMBLY TO STUDY FURTHER THE CARE PROBLEM AND THE OTHER PROBLEMS OF THE ELDERLY CITIZENS OF ICWA AND TO REPORT TO THE NEXT LEGISLATURE.


Sen. Jim O. Henry, Chairman


Rep. W. C. Hendrix


Sen. William H. Harbor


Rep. Judson T. Perkins


Sen. George E. O'Malley


Rep. Scott Swisher

THE COMMITTEE WAS TOLD - - -

"Iowa has the highest percentage of elderly people in the nation."--Former Governor Robert D. Blue

"The problem of the aged is as big as the school problem."--State Representative W. C. Hendrix

"Law enforcement under the Nursing Home Licensing Act seems to be totally ineffective. If a nursing home cannot be licensed by the department, it will generally continue to operate openly without a license in defiance of the law."--Iowa State Department of Health

"...there are no enforcement penalties for failure to comply with the present (fire safety) rules, nor are there any requirements that nursing home operators must register with the Fire Marshal, so the office has knowledge of these operations."--State Fire Marshal

"Of the persons in nursing homes in Iowa today, approximately 50 percent receive some funds from public assistance."--Iowa State Department of Social Welfare

"2,342 (mentally ill live) at county homes of 80 counties. Most of these patients formerly were in state mental hospitals. In addition, an undetermined number of former state hospital patients are living under county care in nursing homes or other private institutions."--Iowa Association for Mental Health

"Convalescent and nursing homes is one of the fastest growing industries in Iowa."--State Senator George O'Malley

"The State cannot deal with them (nursing and boarding homes) because of the weakness of the present law and for the further fact that if these homes are closed, the State has no place to move these people."--Former Governor Robert D. Blue

"Either by public action, or required standards of structures and program by private initiative, will the current deplorable conditions be overcome. Only by one or both can the job be accomplished."--Earnest Carter, Director of Social Welfare, Pottawattamie County

SOME UNANSWERED QUESTIONS --

1. How can government encourage and assist charitable, religious and other non-profit groups to provide housing for our elderly citizens?
2. Are private care facilities for our elderly citizens adequate to take care of all who desire this care?
3. Is overcrowding a problem in some nursing and boarding homes? Are the space per person requirements satisfactory?
4. Are mental patients adequately cared for in county homes and nursing and custodial care homes?
5. Are old age assistance grants high enough to enable nursing and custodial care homes to give adequate care to persons receiving this assistance?
6. How profitable is the private nursing home business?
7. What can be done in the way of education and training of nursing and boarding home operators and employees to improve the standard of care?
8. Are guardianships drawn so that the legal guardians can properly look out for the welfare of elderly persons who live in these care homes?
9. What will it cost the state to do a proper job of policing the nursing and custodial care home industry?
10. What part do city and county boards of health have in the matter of assuring decent health conditions in nursing and custodial care homes? What part should they have?
11. What effect will the increasing number of persons receiving social security payments have on the need for care homes?
12. What long-range effect will the state's mental health program have on the need for care homes?

On February 13 there was a disastrous fire in a nursing home at Council Bluffs. Sixteen of our elderly citizens lost their lives in this fire. Immediately, and rightfully, there was statewide concern about how people are cared for in these homes. In fact, this incident touched off widespread discussion about all the problems of our elderly citizens.

The General Assembly, too, was concerned, and immediately it appointed this special committee to look into this matter of care of our elderly citizens in private and public institutions.

WHAT HAS THIS COMMITTEE DONE?

The committee first visited the scene of the fire in Council Bluffs and talked to citizens and local and state officials about the situation in the home where the fire happened. The committee realizes that this tragic fire was only one dramatic event in what is not such a dramatic problem, but a persistent and growing one. Proper, decent and adequate care of persons who cannot live by themselves or with their families is a problem in Iowa just as it is in other states. The State of Iowa--all citizens, and not just the members of this General Assembly--cannot close its eyes to this.

Because of a shortage of time and the press of other legislative duties, this committee has not been able to explore every phase of this problem. The committee members have, however, talked to people who operate nursing and boarding homes, to state and local officials who have been concerned about this problem, and to citizens of this state who have been particularly farsighted and have devoted time and energy in shedding light on this situation. This committee is grateful to these people for their excellent assistance.

Because of this shortage of time, this committee has concentrated on the problem of care of those elderly citizens who do not live in their own homes or with their families. Particularly the committee has been concerned with the matter of fire safety in public and private housing provided for such people.

THE COMMITTEE HAS ARRIVED AT THREE MAJOR CONCLUSIONS.

1. This matter of proper and decent care for our elderly citizens is an important problem now, and there are very definite indications that the problem will become greater, particularly in terms of people who will require care. This is, among other reasons, simply because we are living longer.

2. Although state and local government in Iowa does not and should not have the sole responsibility for the care of our elderly citizens, this committee feels as a minimum that state and local government should do everything possible to assure that elderly citizens who are living in public and private housing should receive safe, decent and adequate care. Furthermore, this committee believes that the care problem can be helped considerably by action of this General Assembly. The recommendations of this committee, it is believed, merit prompt and full consideration by this General Assembly. These recommendations are made and briefly explained in the following pages.

3. Safe, decent and adequate care for elderly citizens who do not live in their own homes or with their relatives is only one of several major problems which confront elderly citizens. The state should use whatever resources it has available to gather information and promote an understanding of the employment, health, recreation and other social problems of this important, and not to be neglected, segment of our Iowa society.

WHAT KIND OF A CARE PROBLEM DO WE HAVE IN IOWA?

This is a problem of human beings.

One out of every ten Iowans is 65 years of age or older. This means that we have between 250,000 and 300,000 Iowans in this age bracket.

Not all, or most, of these elderly citizens of this state need care. In fact, we Iowans pride ourselves in being able to take care of ourselves or to take care of members of our families who cannot provide for themselves. But there are cases, numerous cases, where people are in such a mental, physical or economic condition that they cannot take care of themselves, and therefore either public or private agencies must do this.

Here are some facts about the number of elderly persons who need care.

1. According to the 1950 census about 26,000 Iowans 65 years of age or older lived in institutions, hotels, nursing homes, boarding homes, places where they work, etc. There are undoubtedly several thousand more today. The other 90% of our elderly citizens live in their own homes or with relatives.

2. Government in Iowa is helping to care for many of its elderly citizens.

- a. About 40,000 people receive old age assistance.
- b. Over 2,000 elderly citizens live in county homes.
- c. About 1,750 elderly citizens live in state mental health hospitals and institutions for the feeble minded.
- d. Other elderly citizens live in penal institutions, the state sanatorium and veterans' homes and hospitals.

3. Nursing homes, boarding homes, sanatoriums and rest homes care for a large number of our elderly citizens. How many, nobody knows for sure. The State Department of Health and State Department of Social Welfare have estimated that there are 21,000 who receive some kind of care. Not all these people, of course, are in the 65 and older age group.

It is estimated that there are about 1,400 homes that provide care and that over one-half of these are not licensed. It is known that about 10,000 people live in the licensed homes.

Of the 39,300 old age recipients:

- a. 1,300 receive nursing care allowances but do not live in nursing homes.
- b. 5,100 receive nursing care allowances and live in nursing homes.
- c. 2,500 live in boarding homes.

This means that 7,600 old age recipients live in nursing or boarding homes.

This resumé gives an indication of the size of the care for the elderly problem today in Iowa.

WHAT KIND OF CARE ARE THESE PEOPLE GETTING?

Many statements and letters dealing with the kind of care these elderly citizens are getting in nursing and custodial homes were given to this committee. In general these statements point up one thing; **THE STANDARD OF CARE RANGES FROM THE VERY GOOD TO THE VERY POOR.** However, it is quite clear that many of these people who require care do not have sufficient financial resources to pay for more than average care. Therefore the private agencies who are attempting to meet the needs of these people and still operate at a profit oftentimes cut standards of care.

This committee believes, however, that better care can be achieved, not only in the private institutions but in our public institutions as well. This better care, in part, can be achieved so far as private housing is concerned by the nursing and boarding home operators themselves. They have their own professional group, and it is to their interest as well as their patients that they do everything that they can to promote higher standards of care.

But these operators cannot force every one who operates a home for custodial or nursing care to provide safe, adequate and decent care for these people. This is where government must enter. This committee therefore recommends legislation to take care of the following situations.

RECOMMENDATIONS

1. Nursing and custodial homes

The Division of Hospital Services of the Iowa State Department of Health has made a report to this committee in which it points out that, "Law enforcement under the Nursing Home Licensing Act seems to be totally ineffective. If a nursing home cannot be licensed by the Department, it will generally continue to operate openly without a license in defiance of the law." In fact, the Attorney General gave an unofficial opinion to the Department of Health in which he stated that the Nursing Home Licensing Act was purely a revenue producing act and did not provide the department with the authority to regulate nursing homes. These are clear statements that the present nursing home law is unsatisfactory.

THIS COMMITTEE RECOMMENDS THAT A LAW BE ENACTED DURING THIS SESSION TO PROVIDE FOR THE LICENSING, INSPECTION AND REGULATION OF NURSING HOMES AND CUSTODIAL HOMES.

This law should give the State Department of Health the primary responsibility for providing rules, regulations and standards within the law to promote and encourage public and private agencies to provide adequate and safe housing for the aged. By this law, the State Department of Health should be given the assistance of state and local agencies in carrying out the provisions of this Act. Higher standards should be provided for nursing homes than for custodial homes. A bill to provide for licensing, inspection and regulation has been introduced during this session.

2. Non-care boarding and rooming homes for the aged

There is a segment of our elderly population who do not require nursing or custodial care, but who do not live in their own homes or with their relatives. The committee feel that these elderly citizens who are receiving board and room in homes, converted hotels, etc. should be protected as far as fire and sanitation are concerned.

THEREFORE, THIS COMMITTEE RECOMMENDS LEGISLATION TO PROVIDE SUCH PROTECTION IN NON-CARE BOARDING AND ROOMING HOMES.

The major responsibility for the enforcement of this law would be with local officials who would work in cooperation with the State Department of Health and the State Fire Marshal. A bill to carry out this recommendation has been introduced.

3. Fire safety and protection

The State Fire Marshal made a report to this committee about his powers and duties under present law and the actual practices of his office. In this report he discussed fire protection for nursing homes and public buildings used for housing.

Nursing homes. The Fire Marshal makes fire safety inspection of some nursing homes upon the request of the Department of Health. However, only those nursing homes listed and licensed by the Department of Health are inspected by the state as the Fire Marshal has no other way of knowing where nursing, custodial care and boarding homes are located. In larger cities, nursing homes are inspected by city fire departments at the request of the Department of Health.

The enactment of the two bills recommended above would provide the Fire Marshal with authority to make uniform and more stringent fire safety rules and regulations that can be enforced for nursing, custodial care and similar homes.

In addition, Senate File 81 (of this session) gives broad authority to the State Fire Marshal to make and enforce fire safety rules and regulations for places where groups of people live or congregate. Nursing homes, custodial homes, boarding homes, rest homes and hotels would be subject to these rules and regulations.

Institutions under the Board of Control. By law, the State Fire Marshal is required to make an annual inspection of these institutions and make fire safety recommendations to the Board of Control. The followup of the recommendations is up to the Board. Except for fire escapes and exits, the law does not set any standard for the Fire Marshal to follow in his inspections.

County homes. These homes are under the complete jurisdiction of each county board of supervisors. There are no fire safety standards in the law for these institutions. Some counties have requested and received assistance from the Fire Marshal in taking care of fire safety matters in county homes.

Institutions under the Board of Regents. This Board has requested the Fire Marshal to make fire safety inspections of and file a report concerning the School for the Blind, School for the Deaf and the State Sanatorium. The law does not require this; nor are there any standards in the law for the Fire Marshal to follow.

Inspections and fire safety rules and regulations at the state colleges are made at the discretion of each institution; however the law provides that certain fire escapes must be provided. Before a new building is constructed, the plans are usually submitted to the Fire Marshal for his advice regarding fire safety. This is not required by law.

Institutions under the Board of Control, county homes and the care institutions under the Board of Regents would be subject to the same fire safety rules and regulations as nursing and custodial care homes under the nursing and custodial care bill recommended above. These institutions would be subject to the fire safety rules and regulations of the State Fire Marshal if Senate File 81 of this session is enacted.

4. County nursing homes

There is some question whether private nursing homes can, or will, be able to provide proper, decent and adequate care for all elderly persons requiring nursing care. THEREFORE, THIS COMMITTEE RECOMMENDS LEGISLATION TO PERMIT ANY COUNTY TO ESTABLISH NURSING HOMES FOR ELDERLY CITIZENS. A bill to do this has been introduced.

Chapter 347A of the Code permits counties to build and finance county hospitals through the sale of revenue bonds. Attached to this report is a bill which is patterned after this law. It provides for financing the construction of a county nursing home solely from revenue obtained from operating such home. If necessary, a tax levy could be made to pay current expenses of such a nursing home.

A proposal for a nursing home would be initiated by the board of supervisors and would be subject to the approval of the voters. The management of the nursing home would be under a board of trustees.

The committee wishes to emphasize that this would be permissive legislation. Counties would be likely to take advantage of this law only if private facilities were unavailable or unsatisfactory.

To supplement this recommendation, the committee recommends that the laws of this state be amended to permit persons in county nursing homes to receive old age assistance.

5. Transfer of people from state mental institutions to county homes and care homes

It is a policy of the state government that certain patients, many of them elderly, should be transferred to and cared for in our county homes or in private care homes. The basic justification for this is that these people require only custodial care and therefore the space which otherwise would be occupied by these patients in the mental hospitals can be put to better use. When these persons are placed in private care homes they are eligible to be placed on the old age assistance rolls.

There is evidence that many of these former state patients are now being cared for in nursing homes. This situation is highlighted by the fact that in 1947 there were about 2,000 old age assistance recipients who received nursing

care allowances as part of their assistance grant, and today there are three times as many receiving such allowances, most of whom live in nursing homes.

THE COMMITTEE BELIEVES THAT HERE IS AN AREA THAT NEEDS CONSIDERABLE STUDY TO DETERMINE WHETHER THE POLICY OF TRANSFERRING ELDERLY MENTAL PATIENTS TO THE COUNTY HOMES AND PRIVATE NURSING AND CUSTODIAL CARE HOMES IS WORKING SATISFACTORILY.

6. Further study of problems of elderly citizens

This committee believes that it has only brushed the surface in looking into the problems of elderly citizens of this state. As has been pointed out above, we have emphasized the care problem.

We reiterate that we believe the problem of elderly citizens is a broad one. Furthermore, we believe that this is a problem about which the General Assembly should become fully informed. This is not to say that the problems of the aged are strictly governmental. First, and rightfully so, they are family problems. And our churches, charitable institutions and other non-profit groups have an important part in handling these problems. Many of these agencies have recognized this and are doing a very commendable job of providing help for their elderly people. However, the state does have an important role to play in assisting families and private agencies in meeting and solving the problems of these people.

There is considerable nation-wide interest in the problems of the aged. The Council of State Governments, for example, in 1955 published a comprehensive report about the problems of the aged throughout the nation and the things that are being done to combat these problems. In a nutshell, there is considerable concern that we have an increasing portion of our population who is elderly while at the same time we are discouraging the employment and effective use of the talents of these people.

Also, there has been state-wide interest in Iowa in this problem. During the last legislative interim former Governor Leo Hoegh appointed a committee to study the problems of the aged in this state. This Governor's Committee organized last summer and had accumulated information which was helpful to this legislative committee.

THIS COMMITTEE RECOMMENDS THAT AN ELEVEN MEMBER STUDY COMMITTEE BE ESTABLISHED TO STUDY THE PROBLEMS OF THE ELDERLY CITIZENS OF THIS STATE. THIS COMMITTEE SHOULD BE COMPOSED OF LEGISLATORS, INTERESTED CITIZENS AND REPRESENTATIVES OF THE STATE HEALTH, WELFARE AND BOARD OF CONTROL DEPARTMENTS.