

*Booker  
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December 23, 1953  
Letter Opinion  
No. 53-179-L

The Honorable Derek Van Dyke  
County Republican Chairman  
1838 Palcroft Way  
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL**

Dear Mr. Van Dyke:

On December 18, 1953, you made an oral request of this department to determine whether it was possible for the county board of supervisors to license a business, namely a rest home, for the purpose of regulation, with a condition of that licensing being the maintenance of certain minimum sanitary standards.

It is the considered opinion of this department that the county board of supervisors has no power to do this. Sections 63-1601 through 63-1613, A.C.A. 1939, as amended, is an act providing for the regulation of nursing homes by the state department of health. This act provides for the licensing of these nursing homes and for the inspection of these homes by the state department of health. The regulation of nursing homes is a matter of state-wide concern, and when the state has moved into this field the county board of supervisors is without authority to further regulate nursing homes. In view of this, the county board of supervisors may not license a rest home with the condition of that licensing being the maintenance of certain minimum sanitary conditions.

I trust that this will satisfactorily answer your question. If we may be of further service to you in the future, please feel free to call upon this department for aid.

Very sincerely yours,

ROBERT C. STUBBS  
Assistant to the  
Attorney General

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