

- 2/ Although this latter standard is frequently referred to as the "minimum" rationality test, in recent years the Supreme court has employed it in striking down some economic standards on Equal Protection grounds. Metropolitan Life Insurance Co. v. Ward, 53 U.S.L.W.4399 (March 26, 1985); Zobel v. Williams, 102S.Ct. 2309 (1982).
- 3/ Davis, however, relied in part on the danger arising from lack of communication in the operating room, where lip-reading is impossible, and in emergency situations. House Bill 573 reaches professions, such as podiatry and physical therapy, where these concerns carry considerably less weight.
- 4/ In addition, it is rational to apply this requirement to applicants who plan to work in laboratories rather than with patients. The State has an interest in ensuring that each licensee is qualified to perform the full range of functions permitted by the license. Cf. Southeastern Community College v. Davis, 442 U.S. 397 (1979).
- 5/ While one court has upheld the power of the states to determine which schools meet their qualifications, even if that power is exercised by refusing to license any student from a foreign school, Suarez v. Junta Dental Examinadora, 580 F.Supp. 334 (D.P.R. 1984) aff'd 745 F.2d 44 (1st Cir. 1984), that case involved the power to recognize a school as qualifying a person to practice the profession taught by that school, i.e. dentistry, not a skill which is incidental to the profession and which a student could learn anywhere.

## House Bill No. 573

AN ACT concerning

## Hospitals - Language Competency

FOR--the--purpose--of--requiring--certain--levels--of--competency--in--the--oral--use--of--the--English--language--for--all--professional--staff--members--who--orally--communicate--with--patients--and--who--are--employed--in--hospitals--licensed--in--this--State,--requiring--the--Board--of--Medical--Examiners--and--the--Advisory--Board--on--Hospital--Licensing--to--establish--certain--standards,--providing--that--a--certain--committee--shall--be--established--in--each--hospital,--and--providing--that--certain--employees--shall--be--required--to--take--remedial--English--courses,--requiring--certain--health--professionals--to--demonstrate--to--their--respective--licensing--boards--that--they--are--competent--in--the--English--language--for--their--care--of--patients,--allowing--certain--licensing--boards--to--determine--the--form--of--a--demonstration--under--this--Act,--prohibiting--a--hospital--or--related--institution--from--granting--privileges--to--or--employing--a