

HOUSE No. 102

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC HEALTH,
STATE HOUSE, BOSTON 33, December 2, 1947.

To the Honorable Senate and the House of Representatives.

In accordance with the provisions of chapter 30, section 33, of the General Laws, as amended by chapter 292, section 6, of the Acts of 1945, I have the honor to submit herewith that portion of the annual report of the Massachusetts Department of Public Health which contains recommendations for legislative action, together with drafts of bills embodying the legislation recommended. These bills have been submitted to either Counsel to the Senate or Counsel to the House of Representatives for advice and assistance as to the form thereof.

Very truly yours,

VALDO A. GETTING,
Commissioner.

RECOMMENDATION.

1. AN ACT FURTHER REGULATING THE PHYSICAL EXAMINATIONS OF SCHOOL CHILDREN.

The purpose of this bill is to improve the standards of the health examination of school children by elimination of the annual compulsory physical examination and substituting in place thereof more thorough examinations at intervals set by regulations of the Department of Public Health after conference with the Department of Education and the medical profession. Under this bill school children would receive complete physical examinations about four times during their school careers, or at more frequent intervals, for working certificates, absenteeism due to illness, transfers between schools, participation in competitive sports, or for referrals by school nurse or teacher. This bill would enable physicians to give each school child a more thorough physical examination and allow opportunities for follow-ups at regular intervals if and when medical conditions so indicate, but the bill will in no way interfere with the examinations now given annually in some small communities throughout the Commonwealth where such examinations are satisfactory.

2. AN ACT TO PROVIDE FOR THE DEVELOPMENT AND ADMINISTRATION OF A HOSPITAL CONSTRUCTION PROGRAM TO MAKE ADEQUATE HOSPITAL FACILITIES AVAILABLE FOR THE INHABITANTS OF THE COMMONWEALTH, UNDER THE ENABLEMENT OF THE FEDERAL HOSPITAL SURVEY AND CONSTRUCTION ACT.

This bill confirms the designation of the Department of Public Health as the state agency authorized to make the state hospital survey and to administer the Federal Hospital and Construction Act. (Public Law 725.) The

passage of this bill will legalize the distribution of federal funds appropriated for the purpose of assisting every State in the construction of needed hospital facilities.

3. AN ACT PROVIDING FOR THE ADMISSION OF CRIPPLED CHILDREN TO THE LAKEVILLE STATE SANATORIUM.

Many of the crippled children throughout Massachusetts are unable, because of limited hospital facilities, or because of lack of funds, to obtain treatment for their crippling conditions. Existing legislation allows Lakeville State Sanatorium at the present time to accept only those children with crippling conditions resulting from infantile paralysis or extra-pulmonary tuberculosis. This hospital has, however, the necessary staff and facilities for the treatment of all orthopedic conditions which may result in crippling, and the broadening of the statute would enable the Department to extend such services to crippled children throughout the Commonwealth in need of such treatment.

4. AN ACT RELATIVE TO THE REGULATION OF CERTAIN HOSPITALS, SANATORIA, CONVALESCENT AND NURSING HOMES BY THE DEPARTMENT OF PUBLIC HEALTH.

By this act the Massachusetts Department of Public Health is authorized to grant provisional approval and to authorize temporary operation of a hospital for a period not to exceed ninety days, pending its inspection and approval by the Department of Public Safety.

Under present legislation a hospital may be issued a license to operate by the Department of Public Health, but, upon subsequent examination by the Department of Public Safety, may be found to have inadequate safety facilities.

The Special Commission to investigate Public Health Practice, as established under chapter 73, Resolves of 1947, is recommending in its report to the General Court that the licensing of convalescent and nursing homes and boarding homes for the aged should be done by the Department of Public Health.

Since the Department is convinced that the licensing of all such institutions should be done by this Department, it feels that if such legislation be introduced, both bills should be heard together, and suggests that the committee to which the bills are referred may, in their wisdom, see fit to combine the two.

5. AN ACT MAKING CERTAIN LAWS RELATIVE TO GONORRHEA AND SYPHILIS APPLICABLE TO ALL VENEREAL DISEASES.

At the present time five specific diseases are included within the category of "venereal diseases:" syphilis, gonorrhoea, chancroid, granuloma inguinale, and lymphogranuloma venereum.

Existing legislation which pertains to the reporting, examination, treatment and handling of records of cases of venereal disease applies only to syphilis and gonorrhoea. The proposed bill would, by authorizing the Department to define what diseases shall be included within the term "venereal diseases", extend the same provisions of law to all venereal diseases.

6. AN ACT RELATIVE TO REPORTS AND RECORDS OF CASES OF VENEREAL DISEASES.

According to section 120 of chapter 111 of the General Laws, the reports and records of cases of venereal diseases must be destroyed at the expiration of five years from the year when made. This represents a loss of valuable medical data. With the advent of new drugs in the treatment of venereal diseases, careful and exact records should be kept for a longer period of time in order that these drugs may be properly evaluated; for example, in the use of penicillin, exact schedules and dosages must be determined for all stages and types of syphilis to ensure adequate treatment. The constant analyses of the reports and records of these patients would prove of inestimable value both to the physician treating the case and to the patient.

The Department therefore recommends that section

120 of chapter 111 of the General Laws, which requires that such records be destroyed at the expiration of five years, be repealed.

7. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO DESIGNATE MAXIMUM PERIODS OF TIME FOR WHICH THE BOARDS OF HEALTH OF A MUNICIPALITY MAY ASSUME RESPONSIBILITY FOR THE CARE OF PERSONS INFECTED WITH DISEASES DECLARED DANGEROUS TO THE PUBLIC HEALTH.

Under present statutes there is no designated method of determining the length of time for which a local board of health may be responsible for furnishing hospital or medical care for persons infected with diseases dangerous to the public health. Duration of responsibility for such cases varies at the present time from town to town. This bill authorizes the Department to designate specific periods for which such responsibility shall last, thus making for uniformity throughout the Commonwealth.

8. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO DESIGNATE CERTAIN DISEASES TO BE REPORTED BY PHYSICIANS AND BOARDS OF HEALTH.

Under existing statutes it is necessary to declare a disease as "dangerous to the public health" in order to make such disease reportable by physicians. This automatically places the responsibility for the medical care of such a case upon the local board of health if a family is unable to pay for such care. The hesitancy to place this financial burden upon local communities has deterred the Department from declaring certain diseases as reportable.

This bill authorizes the Department to classify certain diseases about which information would be very valuable as "reportable", in contrast to those now known as "dangerous to public health." Boards of health would not bear the responsibility for the medical care of diseases in this new classification.

9. AN ACT RELATIVE TO ADULTERATION, MISBRANDING
AND DANGEROUS DRUGS.

The proposed legislation is desired in order to bring our own general law pertaining to adulteration and misbranding more nearly into conformity with the new Federal Food, Drug and Cosmetic Act of 1938, as well as with the uniform act which has been adopted by many of the other States. In addition to providing a basis for a more uniform enforcement and greater co-operation with the United States Food and Drug Administration and neighboring States, the proposed legislation would accomplish the following: —

1. Sanitary control would be provided over the manufacturing of drugs. Our present law does not give us this control. It is well known that many of the drugs, particularly in their crude state, are subject to contamination and infestation by rodents, insects and other vermin. The cleanliness of equipment and general sanitary handling during manufacturing processes would be subject to greater control and supervision.

2. The seizure provisions in the proposed legislation are especially desirable. Our present right of seizure is limited to foods which are decomposed or otherwise unfit for consumption. We have no right to seize a misbranded or adulterated drug. The proposed legislation would permit embargo of any food or drug suspected of being adulterated or misbranded until such time as a further investigation, which would include a laboratory analysis, could be made.

3. An especially important provision of the proposed legislation is that pertaining to the dispensing of harmful drugs. There is no state law at the present time limiting the sale of barbiturates or other harmful drugs. The proposed legislation would limit the sale to prescriptions only. There would be no open and unlimited dispensing over the counter as exists at the present time.

4. A further desirable provision in the proposed legislation concerns the container of a food, particularly with respect to the ingredients of the container. The proposed

legislation would provide that a food would be adulterated if a container is composed of any poisonous or deleterious ingredient. This is an improvement over our present law.

5. The adoption of regulations defining standards which had been adopted under the federal act would also be possible under the proposed legislation. In addition to the adoption of standards on foods the Department would have the right to adopt other regulations for the enforcement of the act.

10. AN ACT RELATIVE TO THE SALE OF NARCOTIC DRUGS.

Because of complaints which have reached the Department to the effect that the unlimited sale of certain drugs and preparations containing quantities of narcotic drugs, and referred to specifically as "exempt preparations," has resulted in abuse, it is desirable to limit the sale of these "exempt preparations" to registered drug stores. In like manner, this would also apply to the preparations containing larger quantities of narcotics. Although the proposed legislation would still permit purchase of unlimited quantities without prescription from retail druggists, yet because of the fact that the retail druggist is under license, and therefore under control, he is less likely to abuse the privilege of such sales than the operators of other retail outlets who are entirely without control. Druggists' records are subject to scrutiny by officers of the Department, officers of the Board of Registration in Pharmacy, and, in the case of narcotic drugs, by police officers. "Exempt preparations" sold by other than druggists cannot be watched.

The first part of the report is devoted to a general survey of the progress of the work during the year. It is found that the work has been carried on in a regular and systematic manner, and that the results are of a satisfactory nature. The second part of the report is devoted to a detailed account of the work done in each of the departments. It is found that the work has been carried on in a regular and systematic manner, and that the results are of a satisfactory nature.

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