

SENATE No. 299

To accompany the petition of The Massachusetts Association of Boards of Health, by G. Donald Buckner, secretary-treasurer, for legislation relative to the responsibility of a board of health for expenses incurred in caring for diseases declared dangerous to the public health. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act relating to the Responsibility of a Board of Health for Expenses incurred in Caring for Diseases declared Dangerous to the Public Health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter one hundred and eleven of the General
2 Laws, as appearing in the Tercentenary edition, is
3 hereby amended by striking out section one hundred
4 and sixteen and inserting in place thereof the two
5 following new sections:—

6 *Section 116.* Reasonable expenses incurred by
7 boards of health in making the provision required by
8 law for persons infected with diseases declared dan-
9 gerous to the public health other than tuberculosis
10 shall be paid by such person or his parents, if he or
11 they be able to pay, otherwise by the town, the board
12 of health of which has jurisdiction over the case as
13 provided by section ninety-five upon approval of the

14 bill by said board; provided, that acceptance of a
15 case for hospitalization in any town other than that
16 authorizing such hospitalization shall not impose upon
17 the town where the hospital is located financial re-
18 sponsibility for the case or for other infections con-
19 tracted by such patient while in said hospital.

20 *Section 116A.* Reasonable expenses incurred by
21 boards of health or by the commonwealth in making
22 the provision required by law for persons infected
23 with tuberculosis shall be paid by such person or his
24 parents, if he or they be able to pay, otherwise by the
25 town where he has a legal settlement, upon the
26 approval of the bill by the board of health of such
27 town or by the department of public welfare; but
28 such expenses shall not be recovered from a town
29 liable therefor, unless proceedings to recover the same
30 are commenced within two years after the cause of
31 action arises. Such settlement shall be determined
32 by the board of public welfare, and by the department
33 of public welfare in cases cared for by the common-
34 wealth. If the person has no settlement, such ex-
35 penses shall be paid by the commonwealth, upon the
36 approval of bills therefor by the department of public
37 welfare. In all cases of persons having settlements, a
38 written notice shall be sent by the board of health of
39 the town where the person is sick to the board of health
40 of the town where such person has a settlement, who
41 shall forthwith transmit a copy thereof to the board
42 of public welfare of the place of settlement; but nothing
43 shall be recovered for relief furnished more than three
44 months prior to notice thereof given to the board of
45 health of the place of settlement. If within one
46 month after receiving such notice the board of health
47 of the latter town does not submit a written state-

48 ment denying the settlement and stating the reasons
49 therefor, said town shall be barred from contesting
50 the question of settlement. In any case liable to be
51 maintained by the commonwealth when public aid
52 has been rendered to such sick person, a written
53 notice shall be sent to the department of public
54 welfare, containing such information as will show
55 that the person named therein is a proper charge to
56 the commonwealth, and reimbursement shall be made
57 for reasonable expenses incurred within five days
58 next before such notice is mailed, and thereafter until
59 such sick person is removed under section twelve of
60 chapter one hundred and twenty-one, or is able to be
61 so removed without endangering his or the public
62 health. Reimbursement by the commonwealth under
63 the provisions hereof shall be subject to the provisions
64 of section forty-two of chapter one hundred and
65 twenty-one.

