

By Mr. Armstrong of Plymouth, petition of John A. Armstrong for legislation to provide that the rates for the care and treatment of patients at certain institutions under the control of the Department of Public Health shall be fixed by the Director of the Division of Hospital Costs and Finances. Public Health.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-two.

AN ACT PROVIDING THAT THE RATES FOR THE CARE AND TREATMENT OF PATIENTS AT CERTAIN INSTITUTIONS UNDER THE CONTROL OF THE DEPARTMENT OF PUBLIC HEALTH SHALL BE FIXED BY THE DIRECTOR OF THE DIVISION OF HOSPITAL COSTS AND FINANCES.

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

1 SECTION 1. On the effective date of this act all the powers  
2 and duties relative to the determining of rates for the care and  
3 treatment of patients at certain institutions under the control  
4 of the department of public health, presently vested in said  
5 department under the provisions of sections sixty-two M, sixty-  
6 six, sixty-nine H and eighty of chapter one hundred and eleven  
7 of the General Laws, shall vest in the director of the division  
8 of hospital costs and finances; provided, however, that any  
9 rate established by said department and in effect on the effective  
10 date of this act shall continue in effect until rates have been  
11 established by said director as hereinbefore provided.

1 SECTION 2. Chapter 111 of the General Laws is hereby  
2 amended by striking out section 62M, as appearing in section 1  
3 of chapter 508 of the acts of 1954, and inserting in place thereof  
4 the following section:—

5 *Section 62M.* The trustees may, upon application of any  
6 child entitled to receive the benefit of said school, or upon such  
7 application by a parent, guardian or person having the legal

8 custody of the child, or by any state or municipal department,  
9 board or officer having such custody, admit such child to said  
10 school, subject to such rules and regulations as the trustees may  
11 prescribe, and the trustees may discharge such child from the  
12 school. The charges for the support of the children of the school  
13 who are of sufficient ability to pay for the same, or have persons  
14 or kindred bound by law to maintain them, shall be paid by such  
15 children, such persons or such kindred at a rate determined by  
16 the director of the division of hospital costs and finances. The  
17 board of such children as have a legal settlement in a town shall  
18 be paid by the town at a rate not exceeding seventeen dollars  
19 and fifty cents a week, notice of the reception of the children  
20 by the trustees being given by them to the board of public wel-  
21 fare of the town as soon as practicable; and the tuition and  
22 board of those having no such settlement shall be paid by the  
23 commonwealth. The trustees may receive other children hav-  
24 ing no means to pay for tuition and support, and the tuition  
25 and board of all such children shall be paid by the common-  
26 wealth. The attorney general and district attorneys shall upon  
27 request bring action to recover said charges in the name of the  
28 state treasurer. The admission of a child as aforesaid to the  
29 school shall be deemed a commitment of the child to the care  
30 and custody of the commonwealth, and the trustees, with the  
31 approval of the department, may detain the child at said school  
32 during its school age, or for such longer period during its mi-  
33 nority as in the opinion of the trustees will tend to promote the  
34 education and welfare of the child.

1 SECTION 3. Said chapter 111 is hereby further amended by  
2 striking out section 66 and inserting in place thereof the follow-  
3 ing section:—

4 *Section 66.* The charges for the support of each inmate in a  
5 state sanatorium shall be fixed by the director of the division  
6 of hospital costs and finances and shall be paid quarterly. Such  
7 charges for those not having known settlements in the common-  
8 wealth shall be paid by it. For those having known settlements  
9 in the commonwealth, the charges shall be paid either by the  
10 persons bound to pay them or by the town where such inmates  
11 had their settlement, unless security to the satisfaction of the  
12 commissioner is given for their support. If any person or town  
13 refuses or neglects to pay such charges the state treasurer may

14 recover the same to the use of the sanatorium. A town which  
15 pays the charges for the support of an inmate of a state sana-  
16 torium shall have like rights and remedies to recover the amount  
17 thereof, with interest and costs, from the town of his settlement  
18 or from such person of sufficient ability, or from any person  
19 bound by law to maintain him, as if such charges had been in-  
20 curred in the ordinary support of such inmate. If in any case  
21 the charges, as established by this section, for the support of  
22 an adult inmate are not paid in accordance with this section  
23 by the inmate or by the persons bound to pay them and a town  
24 becomes liable to pay them, such town shall be liable to pay  
25 such sum, in addition to such charges, as shall be fixed by the  
26 director of the division of hospital costs and finances. In such  
27 a case, the provisions of this section relative to the recovery of  
28 charges by the state treasurer, and by a town from the town of  
29 settlement, shall apply to the recovery of such total amount.  
30 This section shall not apply to patients received under any con-  
31 tract made under authority of section seventy-nine. In all pro-  
32 ceedings under this section, the sworn written statement of a  
33 person that he is the superintendent of a state sanatorium or  
34 that he keeps or has custody of records of accounts of inmates  
35 thereof, and that a certain person has been an inmate therein  
36 during a certain period at a certain charge and that no satis-  
37 factory security was given shall be prima facie evidence of the  
38 said facts.

1 SECTION 4. Said chapter 111 is hereby further amended by  
2 striking out section 69H, as amended by section 3 of chapter  
3 459 of the acts of 1957, and inserting in place thereof the follow-  
4 ing section: —

5 *Section 69H.* The charges for the support of persons receiv-  
6 ing care in said hospitals or sanatorium shall be at the rate  
7 determined from time to time by the director of the division of  
8 hospital costs and finances.

1 SECTION 5. Said chapter 111 is hereby further amended by  
2 striking out section 80, as appearing in section 2 of chapter 608  
3 of the acts of 1961, and inserting in place thereof the following  
4 section: —

5 *Section 80.* Each city and town shall pay to the common-  
6 wealth as its share of the cost of providing care and treatment

7 for tuberculous patients a sum equal to one half of the per diem  
8 cost for the care of any residents of such city or town hospital-  
9 ized under section seventy-eight and seventy-nine of this chap-  
10 ter. The per diem rate charged the cities and towns shall be  
11 established by the director of the division of hospital costs and  
12 finances on a yearly basis and shall be based on one half of the  
13 average of all per diem costs for tuberculous patients in hospi-  
14 tals within the department and in hospitals under contract with  
15 the department under section seventy-eight. If a patient is able  
16 to pay or if a third party payor is responsible, the department  
17 shall collect from the patient or the payor such charges as are  
18 established by the director of the division of hospital costs and  
19 finances. Fifty per cent of the amount so received on account  
20 of any patient shall be credited against the payment charged  
21 to a city or town on account of such patient as authorized in  
22 this section.

23 For the purposes of this section, the term "resident" means  
24 any person having his principal living quarters in such city or  
25 town and having no present intention to move to another city  
26 or town; provided, however, that any tuberculous patient de-  
27 termined to be a chronically nonresident person and a special  
28 problem for tuberculosis disease control shall not be charged as  
29 a resident of any city or town and shall be the financial respon-  
30 sibility of the state. For purposes of this section the term  
31 "chronically nonresident" means a person who evidences by  
32 his past conduct an inability or unwillingness to establish and  
33 maintain a residency with any degree of permanency and whose  
34 instability and general living standards in exposing himself and  
35 others to infection makes him a special problem for tuberculosis  
36 disease control in the commonwealth. If a city or town requests  
37 that a patient be classified as chronically nonresident as indi-  
38 cated in this section, the division of sanatoria and tuberculosis  
39 may so classify him. If on such a request, the division does not  
40 agree to so classify the patient, the city or town may appeal this  
41 decision to a three-member board made up as follows: The pub-  
42 lic health council shall appoint the members of the board who  
43 shall serve without compensation. In the first appointments,  
44 one member shall be appointed for three years, one for two, and  
45 one for one year with all appointments thereafter being for three  
46 years. One member of the board shall be a medical director of  
47 a municipal health department, one member shall be a non-

48 medical public health administrator or agent of a municipal  
49 health department, and one member shall be a person experi-  
50 enced in social work on a municipal or state level. On any  
51 such appeal the board shall hold a hearing and may affirm or  
52 reverse such decision. The decision of the board shall be final.

53 Patients who are receiving or are eligible to receive public  
54 assistance shall have their responsibility to pay such charges  
55 to their city or town of residence fixed in accordance with the  
56 provisions of the particular category of public assistance appli-  
57 cable to them.

