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By Mrs. Cutler, a petition of Leslie B. Cutler for legislation to further regulate the powers and duties of the Commissioner of Public Health and the Public Health Council and making certain other changes in the organization of the Department of Public Health. State Administration.

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## The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE POWERS AND DUTIES OF THE COMMISSIONER OF PUBLIC HEALTH AND THE PUBLIC HEALTH COUNCIL AND MAKING CERTAIN OTHER CHANGES IN THE ORGANIZATION OF THE DEPARTMENT OF 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 SECTION 1. Chapter 17 of the General Laws is hereby  
2 amended by striking out section 2 to 11, inclusive, and in-  
3 serting in place thereof the following four sections: —

4 *Section 2.* The commissioner shall be a physician skilled in  
5 sanitary science and experienced in public health administra-  
6 tion. Upon the expiration of the term of office of a commission-  
7 er, his successor shall be appointed by the governor, with the  
8 advice and consent of the council, for a term of six years. The  
9 commissioner shall receive a salary of twenty-three thousand  
10 dollars, and shall devote his full time during business hours to  
11 the duties of his office.

12 *Section 3.* There shall be a public health council, consisting of  
13 seven members to be appointed by the governor for terms of  
14 seven years each, of whom three shall be physicians, three shall  
15 have had experience in some field connected with public health,  
16 and one shall be a registered professional engineer certified as a  
17 diplomate of the American Academy of Sanitary Engineers.  
18 Upon the expiration of the term of a member, his successor  
19 shall be appointed in like manner for a term of seven years and  
20 until the qualification of his successor. If a member for any

21 reason does not complete his term, his successor shall be ap-  
22 pointed in like manner of the unexpired portion of his term.  
23 The council shall select its own chairman, and shall meet at  
24 least four times a year or when requested by the commissioner.  
25 The commissioner may attend any meeting of the said council.  
26 The council shall approve the rules and regulations promul-  
27 gated under the sanitary code and shall advise the commission-  
28 er on other matters when so requested. The council shall hold  
29 hearings on appeals from rulings of the commissioner. The ap-  
30 pointive members shall receive thirty dollars a day while in  
31 conference, and shall be reimbursed for expenses necessarily  
32 incurred while in the performance of their official duties.

33 *Section 4.* The commissioner shall be the executive and ad-  
34 ministrative head of the department. He shall have charge of  
35 the administration and enforcement of all laws, rules and regu-  
36 lations which it is the duty of the department to administer and  
37 enforce. In the department there shall be such bureaus and di-  
38 visions and other organizational units as the commissioner may  
39 from time to time establish. Each such bureau and division  
40 shall be under the direction of a deputy commissioner or di-  
41 rector, respectively, to be appointed by the commissioner sub-  
42 ject to the provisions of chapter thirty-one. The commissioner  
43 shall designate a deputy commissioner to perform the duties of  
44 the commissioner during his absence or disability. The com-  
45 missioner may require that a physician who is appointed a  
46 deputy commissioner be certified as to his qualifications by one  
47 of the physicians' specialty boards approved by the Council on  
48 Medical Education and Hospitals of the American Medical  
49 Association, and he may require that an engineer to be ap-  
50 pointed a deputy commissioner or a director be a registered  
51 professional engineer certified as a diplomate of the American  
52 Academy of Sanitary Engineers, and he may require that a  
53 dentist to be so appointed be a diplomate of an examining  
54 board in dental specialties, approved by the American Dental  
55 Association, appropriate to his responsibilities in the depart-  
56 ment.

57 *Section 5.* The commissioner may appoint district health  
58 officers, assistant directors of divisions and epidemiologists, in-

59 spectors and other necessary employees. Any person appointed  
60 under this section shall be subject to the provisions of chapter  
61 thirty-one. The commissioner may also appoint a superintend-  
62 ent and all other officers and employees necessary for the prop-  
63 er administration of the affairs of the institutions in the depart-  
64 ment and may incur all expenses necessary for the maintenance  
65 of the institutions. Any treasurer appointed shall give bond  
66 for the faithful performance of his duties. The commissioner  
67 may require that a physician to be appointed under this section  
68 be certified as to his qualifications by one of the physicians'  
69 specialty boards approved by the Council on Medical Educa-  
70 tion and Hospitals of the American Medical Association, and  
71 he may require that an engineer to be appointed in accordance  
72 with this section be a registered professional engineer certified  
73 as a diplomate of the American Academy of Sanitary Engi-  
74 neers, and he may require that a dentist to be appointed here-  
75 under be a diplomate of an examining board in dental special-  
76 ties, approved by the American Dental Association, appropriate  
77 to his responsibilities in the department.

1 SECTION 2. Section 3 of chapter 111 of the General Laws,  
2 as amended by chapter 152 of the acts of 1946, is hereby fur-  
3 ther amended by striking out the last sentence and inserting in  
4 place thereof the following sentence: — Hearings of the depart-  
5 ment may be held by the commissioner, or by the director  
6 of a division of the department if so authorized by the com-  
7 missioner.

1 SECTION 3. Section 71 of said chapter 111, as most recently  
2 amended by section 1 of chapter 545 of the acts of 1957, is here-  
3 by further amended by striking out the first sentence and in-  
4 serting in place thereof the following sentence: — The com-  
5 missioner shall issue for a term of two years, and may re-  
6 new for like terms, a license subject to revocation by him for  
7 cause, to any person who he deems responsible and suitable  
8 to establish and maintain a hospital, sanatorium, convalescent  
9 or nursing home, infirmary maintained in a town, or rest home  
10 which meets the requirements of the department established  
11 in accordance with its rules and regulations.

1 SECTION 4. Nothing in this act shall affect the present term  
2 or tenure of members of the public health council or of the com-  
3 missioner of public health. The officers and employees of the  
4 department of public health serving therein upon the effective  
5 date of this act, who are subject to the civil service laws and all  
6 others who have attained tenure shall continue to serve in the  
7 department without impairment of their civil service or other  
8 rights and such employees shall retain any step-rate increases  
9 from the minimum pay of their grade, earned during their serv-  
10 ice with the department, and, for retirement purposes, their  
11 services with the department shall be deemed to be creditable  
12 service; and officers and employees of said department, on said  
13 effective date, shall, for the purposes of determining their pe-  
14 riod of service under the provisions of sections nine A and nine  
15 B of chapter thirty of the General Laws, be considered to have  
16 been in the service of the department from the date of their  
17 original appointment or employment without interruption by  
18 the enactment of this act.