

# HOUSE . . . . . No. 219

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## The Commonwealth of Massachusetts

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EXECUTIVE OFFICE OF HUMAN SERVICES  
DEPARTMENT OF PUBLIC HEALTH  
150 TREMONT STREET  
BOSTON, MASSACHUSETTS 02111, NOVEMBER 7, 1990

The Honorable Michael J. Connolly, *Secretary of State*  
State House, Room 340, Boston, Massachusetts 02133

Dear Secretary Connolly:

In accordance with section thirty-three of chapter thirty of the General Laws, the Department of Public Health submits its proposed 1991 legislative package to your office for filing. Pursuant to said section, this legislation has been reviewed by the House Counsel's office. Attached is a listing of the enclosed legislative package.

If you have any questions or comments regarding these proposals, please contact Sarah R. Bachrach, Director, Government Relations at 727-2692.

Respectfully submitted,

GERARD E. DESILETS, J.D.,  
*Associate Commissioner,*  
*Policy Development and Planning.*

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Ninety-One.

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1. AN ACT RELATING TO COMPLIANCE WITH FEDERAL EARLY INTERVENTION LAW.

This proposal will restructure the Early Intervention Advisory committee such that its composition will satisfy mandated Federal requirements. This restructuring is necessary to insure continued federal funding of Early Intervention Programs.

2. AN ACT ALLOWING LICENSURE OF PARAMEDIC SERVICES.

Existing law licenses ambulance services to use paramedics. The new language will allow paramedic services in other sites — hospital based, private companies or within a town government.

3. AN ACT RELATIVE TO THE CONFIDENTIALITY OF HIV TESTS.

This bill will allow a physician to disclose a positive HIV test result to an at-risk sexual partner or to another medical person involved with the patient, if the patient refuses to consent to the disclosure. The physician may also provide the positive test result to DPH who would then notify the at-risk sexual partner if his/her patient refused to consent to disclosure. The bill will prohibit, as a condition of their licensure, a physician from refusing to treat a patient with AIDS.

4. AN ACT RELATING TO THE IMPROVEMENT OF QUALITY AND ACCESS SAFEGUARDS IN HEALTH FACILITIES.

This bill will improve the quality and access to health facilities by allowing DPH to place quality and access conditions on licenses for hospitals and clinics and creating a fund for community health initiatives.

5. AN ACT RELATING TO BIRTH, MARRIAGE AND DEATH RECORDS.

This proposal will expand unrestricted availability for death and marriage records.

6. AN ACT ESTABLISHING A UNIVERSAL CHILDHOOD VACCINATION PROGRAM.

This proposal will establish a fund for the purchase and manufacture of vaccines.

7. AN ACT RELATING TO EMERGENCY RESPONSE PLANNING AND MONITORING FOR NUCLEAR POWER PLANTS.

This bill will allow DPH to set up "Real Time" (continuous) monitoring of radioactive emissions from the nuclear power plants in Massachusetts and assess the costs to the public utilities.

8. AN ACT INCREASING THE MEMBERSHIP OF THE MASSACHUSETTS NUTRITION BOARD.

The bill will provide wider representation of diverse nutrition constituencies on the Board, with particular focus on low-income and minority communities.

9. AN ACT MERGING THE DEPARTMENT OF PUBLIC HEALTH'S DIVISION OF DRUG REHABILITATION AND ALCOHOLISM.

This bill will formalize the administrative unification of the Divisions of Alcoholism and Drug Rehabilitation by unifying their advisory boards and the responsibilities of the Director, as the Director of Substance Abuse Services.

10. AN ACT TO PROTECT THE HEALTH OF CHILDREN.

This bill will prevent children from illegally purchasing cigarettes from stores or vending machines.

## 11. AN ACT TO PROTECT HEALTH IN THE WORKPLACE.

This bill will protect nonsmokers from environmental tobacco smoke and provide revenue for a state tobacco control program.

## 1. TO INSURE COMPLIANCE WITH FEDERAL EARLY INTERVENTION LAW.

1. Brief description (What will bill do? How will it help, etc?).

Amendment to M.G.L. Chapter 111G. Restructures the Advisory Committee created by 111G. Major changes include addition of legislator and the appointment of the committee by the Governor rather than the DPH Commissioner. The amendment is proposed pursuant to a requirement under P.L. 99-457 under which the department receives funds. Passage would make the 111G Advisory Committee consistent with the 99-457 mandated advisory committee.

2. Will this bill impact other agencies? (If yes, describe who and how).

The bill would impact on the Department of Mental Retardation in that the newly structured Advisory Committee would include a representative from that agency.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

This bill was initially submitted as H. 201 in 1988. An adverse report was accepted, killing the bill for that year.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

This bill will satisfy one requirement of P.L. 99-457. Massachusetts is currently the recipient of \$993,499.00 received in state FY '88 under this Act, and has received up to \$1,351,000.00 in state FY '89 under the Act. Failure to pass may result in loss of an estimated \$1,350,000.00 in state FY '90. The continued acceptance of these funds depends, among other things, on an ad. com. structured in compliance with the Act.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

This bill is supported by the present DPH Early Intervention Advisory Committee (mandated under M.G.L. 111G) which includes a union representative. No constituency group concerned with young children has voiced any opposition to this legislation.

## 2. AN ACT ESTABLISHING PARAMEDIC SERVICE SYSTEMS.

### 1. Brief Description:

The purpose of this bill is to encourage the growth of paramedic systems in Massachusetts, and to allow the Department to establish an equal level of quality control over all paramedic level services. The bill will accomplish this by recognizing in law those alternative paramedic systems (hospital based non-transporting ALS units) which are not currently covered under the ambulance law, MGL, c.111C. One of the major obstacles that hinders the growth of these alternative paramedic services is their inability to receive stable funding. The sponsoring hospitals are experiencing reductions in third party reimbursement, particularly Medicare. This bill, by establishing these paramedic units under DPH regulation, would cause third party payers to recognize and reimburse the paramedic units as a discrete service. Second, by "legitimizing" these services, the problems they now face within the EMS system related to their accountability and liability would be eliminated.

In addition this bill would also bring Paramedic level care to areas of Massachusetts with limited resources. There are many communities which are not located near a hospital to provide a base for a paramedic unit, and individual town ambulances cannot afford to upgrade. This bill would allow a private company or a consortium of town governments to create a non-transporting paramedic unit.

### 2. Impact of Bill on Other Agencies:

This bill would impact on the Department's Office of Emergency Medical Services in that non-transport paramedic vehicles would need to be licensed and inspected by OEMS. We believe our ambulance inspectors would be able to handle the increase in their workload.

The Registry of Motor vehicles has been consulted on this bill. If it passes, non-transport paramedic units would be licensed by the Registry as emergency vehicles.

### 3. History of Bill:

The Paramedic Law was originally filed in 1989, and was refiled last session (1990).

### 4. Cost or Savings:

The fiscal impact of this bill will be positive, in that it offers a cost saving alternative to communities that would like to upgrade to paramedic level care.

## 5. Additional Information:

Key supporters of this bill would be hospitals and communities that currently operate or plan on developing an alternative paramedic system.

## 3. AN ACT RELATIVE TO THE CONFIDENTIALITY OF HIV TESTS.

## 1. Brief description (What will bill do? How will it help, etc.?).

This bill would allow a physician to disclose a positive HIV test result to an at-risk sexual partner or to another medical person involved with the patient if his/her patient refuses to consent to the disclosure. The physician may also provide the positive test result to DPH who would then notify the at-risk sexual partner if his/her patient refused to consent to disclosure. The bill would prohibit, as a condition of their licensure, a physician from refusing to treat an AIDS patient.

2. Will this bill impact other agencies? (If yes, describe who and how.)

No.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

This bill has been filed since 1987 and is presently in H W&M

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

None.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

The ad hoc group was represented by:

(a) AIDS Action

(b) Massachusetts Hospital Association

(c) Gay and Lesbian Advocates and Defenders

(d) Civil Liberties Union of Massachusetts

(e) Department of Public Health

(f) Representative McDonough

(g) Staff from Senator E. Burke and Representative McNeil's offices.

This group advised the Department and reached a consensus on the bill in 1987. In the past year the Mass. Medical Society & Civil Liberties Union did not support the bill.

## 4. QUALITY &amp; ACCESS TO HEALTH CARE.

## 1. Brief description (What will bill do? How will it help, etc.?)

This bill will allow DPH to attach conditions to the licensure of hospitals. Such conditions include out-reach to surrounding communities and interpretive services for clients served by the hospital. The bill would also allow the department to fine hospitals who do not comply and put the funds into a trust fund for community programs.

2. Will this bill impact other agencies? (If yes, describe who and how.)

No impact.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

A new bill.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

The fund would provide for the administrative costs.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

No known opposition.

## 5. AN ACT RELATING TO CERTAIN BIRTH, MARRIAGE AND DEATH RECORDS.

## 1. Brief description (What will bill do? How will it help, etc.?)

This bill would expand unrestricted availability for death and marriage records to 70 years from the time of event rather than 90 years. It would also provide for the transfer of these records to the State Archives.

2. Will this bill impact other agencies? (If yes, describe who and how.)

The bill would increase the pace at which records are transferred to the State Archives. It would also allow for more open access at the city and town level.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number and the final status.)

This is a refile.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

There would be minimal savings at the state and local level in reducing the screening necessary in providing access to marriage and death records.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

There is no personnel impact with this legislation. Key supporters include city and town clerks, genealogical associations and the Secretary of State's office.

#### 6. UNIVERSAL CHILDHOOD VACCINATION PROGRAM.

1. Brief description (What will bill do? How will it help, etc.?)

DPH will establish a Vaccine Trust Fund. Monies will come from the "uncompensated care pool". Treasurer of the Commonwealth is authorized to transfer \$8 million annually from uncompensated care pool.

2. Will this bill impact other agencies? (If yes, describe who and how.)

No impact.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

Was chapter 673 of the Acts 1989 but expires in 1991.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

Monies from this trust fund will be invested by the treasurer. Payments are only for the purchase or manufacture of vaccine. Up to 5% of the VTF (not to exceed \$200,000) are for ongoing administrative costs.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

No opposition to the bill.

#### 7. MONITORING OF NUCLEAR POWER PLANTS.

1. Brief description (What will bill do? How will it help, etc.?)

This bill would allow DPH to set up "Real time" (continuous) monitoring of radioactive emissions from the nuclear power plants in Massachusetts and assess the costs to the Public Utilities.

2. Will this bill impact other agencies? (If yes, describe who and how.)

No impact.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

This bill was filed by Representative Alexander last year and is in H W&M now.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

1.5 million to set up the system. Estimated 1-2 million annually to run the system and collect and publish data.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

Opposed by the Public Utilities.

#### 8. INCREASING THE MEMBERSHIP OF THE MASSACHUSETTS NUTRITION BOARD.

1. Brief description (What will bill do? How will it help, etc.?)

The bill will increase membership on the Nutrition Board by four people: the secretary of communities and development and the director of cooperative extension, representatives of two agencies that administer multiple food and nutrition programs; and two representatives of the general public who represent consumer interests related to nutrition. The bill will provide wider representation of diverse nutrition constituencies on the Board, with a particular focus on low income and minority communities.

2. Will this bill impact other agencies? (If yes, describe who and how.)

The bill will provide official representation on the Board from the Office of Communities and Development and Cooperative Extension, thereby facilitating more effective communication between these agencies and other state agencies with responsibilities for food and nutrition programs.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

1989-H.3521 Final status-Senate Ways and Means

The bill was submitted 2 years prior as well, without successful passage.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

No cost to the Commonwealth. The Office of Nutrition provides staff support to the Board.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

N/A

9. AN ACT RELATING TO SUBSTANCE ABUSE.

1. Brief description (What will bill do? How will it help, etc.?)

This bill will formalize the administrative unification of the Divisions of Alcoholism and Drug Rehabilitation by unifying their advisory boards and the responsibilities of the Director, as the Director of Substance Abuse Services.

2. Will this bill impact other agencies? (If yes, describe who and how.)

No.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

This bill has not been submitted in the past.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

None.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

10. AN ACT TO PROTECT THE HEALTH OF CHILDREN.

1. Brief description (What will bill do? How will it help, etc.?)

This is a comprehensive bill to prevent children from illegally buying cigarettes.

2. Will this bill impact other agencies? (If yes, describe who and how.)

No.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

This is a composite of three bills filed last year. None passed.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

There is no cost for the program. Enforcement will be primarily by the local Boards of Health.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

This bill will be co-filed or supported by the American Cancer Society, American Lung Association and others.

#### 11. AN ACT TO PROTECT HEALTH IN THE WORKPLACE.

1. Brief description (What will bill do? How will it help, etc.?)

This is a comprehensive bill to curb smoking and to protect nonsmokers from environmental tobacco smoke.

2. Will this bill impact other agencies? (If yes, describe who and how.)

No.

3. History of this bill. (Has it been submitted in past years? If yes, give year, bill number, and the final status.)

This is a composite of bills filed last year. None passed.

4. Cost or savings. (Describe fiscal impact of this legislation for this and next year.)

There is no cost for the program. Local Boards of Health will have primary responsibilities for enforcement.

5. Additional information. (Personnel impact, union reaction, key supporters and opponents, etc.)

This bill will be co-filed or supported by the American Cancer Society, American Lung Association and others.

