

SENATE No. 167

To accompany the petition of Timothy J. Murphy for legislation to establish the liability of certain hospitals in actions of tort for negligence resulting in damages to certain patients. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT ESTABLISHING THE LIABILITY OF CERTAIN HOSPITALS IN ACTIONS OF TORT FOR NEGLIGENCE RESULTING IN DAMAGES TO CERTAIN PATIENTS.

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 111 of the General Laws is
2 hereby amended by inserting after section 70 the fol-
3 lowing section:—

4 *Section 70A.* Hospitals, except those established
5 by the commonwealth or any political subdivision
6 thereof, and those hospitals in which not less than
7 one third of the patients are charity patients, so called,
8 shall be liable in tort for damages to patients result-
9 ing from acts of negligence of the agents or servants
10 of such hospital.

11 This act shall not apply to patients who are in such
12 hospital as charity patients, so called.

The Commonwealth of Massachusetts

in the Year One Thousand Nine Hundred and Two

1. Section 1, Chapter 111 of the General Laws is hereby amended by inserting after section 70 the following section:—
2. Section 70A. Hospitals except those established by the Commonwealth or any political subdivision thereof, and those hospitals in which not less than seven-tenths of the patients are charity patients, as called for in the first section of this chapter, shall be held in trust for purposes to be determined by the Board of Health of the Commonwealth, and the Board of Health shall have full power to require the management of the agents or servants of such hospital.
3. This act shall not apply to patients who are in such hospital as charity patients, as called.