

HOUSE No. 2326

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 27, 1948.

The committee on Ways and Means, to whom was referred the Bill relative to the regulation of certain hospitals, sanatoria, convalescent and nursing homes and boarding homes for the aged, by the Department of Public Health (printed in House, No. 1766, App. E, changed), report that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 2326).

For the committee,

LAURENCE W. LAW.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE LICENSING AND SUPERVISION
OF CERTAIN CONVALESCENT HOMES, NURSING HOMES,
AND BOARDING HOMES FOR THE AGED BY THE DEPART-
MENT OF PUBLIC WELFARE.

*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 121 of the General Laws is hereby amended
2 by striking out section 22A, as enacted by chapter 305
3 of the acts of 1929, and inserting in place thereof the
4 following section: —

5 *Section 22A.* The department shall issue for a
6 term of two years and may renew for like terms a
7 license, subject to revocation by it for cause, to any
8 person whom it deems responsible and suitable to
9 establish or maintain a convalescent home, nursing
10 home, or boarding home for the aged which meets
11 the requirements of the department, established in
12 accordance with its rules and regulations. No license
13 shall be issued or renewed hereunder unless there shall
14 be first submitted to the department by the authori-
15 ties in charge of the convalescent home, nursing home,
16 or boarding home for the aged, with respect to each
17 building occupied by patients, a certificate of approval
18 of egresses, the means of preventing the spread of fire,

19 and the apparatus for extinguishing fire, issued by
20 the inspector of the department of public safety.
21 Nothing in this section shall be construed to revoke,
22 supersede, or otherwise affect any laws, ordinances,
23 by-laws, rules, or regulations relating to building,
24 zoning, registration, or maintenance of convalescent
25 homes, nursing homes, or boarding homes for the
26 aged. Upon written request by an applicant who is
27 aggrieved by the refusal to issue or renew such a
28 license, or by a holder who is aggrieved by the revo-
29 cation of such a license, as the case may be, the com-
30 missioner shall hold a hearing after due notice, and
31 thereafter may modify, affirm, or reverse the action
32 of the department. In no case shall the revocation
33 of such a license take effect in less than thirty days
34 after written notification by the department to the
35 convalescent home, nursing home, or boarding home
36 for the aged. The fee for the issuance or renewal of
37 each license shall be ten dollars, except that no fee
38 shall be paid by any convalescent or nursing home
39 which is conducted as a charitable institution or by
40 any home for the aged which is incorporated as a
41 charitable corporation under the laws of this com-
42 monwealth. Such licenses shall not be transferable
43 or assignable and shall be issued only for the premises
44 named in the application. For purposes of this sec-
45 tion, a convalescent home or nursing home is defined
46 as any institution, however named, whether conducted
47 for charity or profit, which is advertised, announced,
48 or maintained for the express or implied purpose of
49 caring for three or more persons admitted thereto
50 for the purpose of nursing or convalescent care. A
51 boarding home for the aged is defined as any institu-
52 tion, however named, whether conducted for charity

53 or profit, which is advertised, announced, or main-
54 tained for the express or implied purpose of providing
55 care incident to old age to three or more persons over
56 sixty years of age, who are not acutely ill or in need of
57 medical or nursing care. No institution licensed by
58 the department of mental health as a nursing home or
59 convalescent home for mental cases shall be licensed or
60 inspected under this section. Convalescent homes or
61 nursing homes conducted in accordance with the prac-
62 tice and principle of the body known as the Church of
63 Christ, Scientist shall not be licensed under this sec-
64 tion, but every such convalescent home or nursing
65 home shall be subject to inspection and to regulations
66 pertaining to sanitation, cleanliness of operation and
67 physical equipment, and shall be required to have a
68 certificate of approval from the inspector of the depart-
69 ment of public safety. The inspections herein pro-
70 vided shall be in addition to any other inspections re-
71 quired by law. The department shall classify con-
72 valescent and nursing homes and boarding homes for
73 the aged and shall promulgate rules and regulations
74 for the conduct of the same. Such rules and regula-
75 tions for convalescent homes, nursing homes, and
76 boarding homes for the aged shall include minimum
77 requirements for medical and nursing care, the keeping
78 of proper medical and nursing records, and sanitation.
79 The department shall have supervision of all such
80 convalescent homes, nursing homes, or boarding
81 homes for the aged, and may visit and inspect the
82 same at any time. Whoever establishes or maintains
83 or is concerned in establishing or maintaining a con-
84 valescent home, nursing home, or boarding home for
85 the aged or is engaged in any such business without
86 a license granted under this section, or whoever being

87 licensed violates any provision of this section or any
88 rule or regulation made hereunder, shall, for a first
89 offense, be punished by a fine of not more than five
90 hundred dollars and, for a subsequent offense, by a fine
91 of not more than one thousand dollars or by imprison-
92 ment of not more than two years. Any license issued
93 by the department of public welfare to a boarding
94 home for the aged prior to the effective date of this act
95 shall remain in effect until the expiration date of said
96 license notwithstanding the provisions of this section.

