

Accompanying the fourth recommendation of the Commissioner of Public Health (House, No. 98). Public Health.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR THE DEVELOPMENT AND ADMINISTRATION OF A HOSPITAL CONSTRUCTION PROGRAM TO MAKE ADEQUATE HOSPITAL FACILITIES AVAILABLE FOR THE INHABITANTS OF THE COMMONWEALTH, UNDER THE ENABLEMENT OF THE FEDERAL HOSPITAL SURVEY AND CONSTRUCTION ACT.

1 *Whereas*, The inadequacy of the hospital facilities
2 in the commonwealth is such that the public health
3 and safety are endangered and action should be
4 taken with all possible expedition to provide for the
5 development and administration of a hospital con-
6 struction program to make such facilities adequate
7 to the need therefor, under the enablement and with
8 the benefit of grants provided by the Federal Hospital
9 Survey and Construction Act, this act is hereby de-
10 clared to be an emergency law necessary for the
11 immediate preservation of the public health, safety
12 and convenience.

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. The following words as used in this
2 act shall have the meanings herein given, unless a

3 contrary meaning clearly appears, or is required by
4 the federal act: —

5 “Commissioner”, the commissioner of the state
6 department of public health.

7 “The Federal Act”, Public Law seven hundred
8 and twenty-five of the seventy-ninth congress ap-
9 proved August thirteenth, nineteen hundred and
10 forty-six, entitled, The Hospital Survey and Con-
11 struction Act, as now in force and as it may here-
12 after be amended.

13 “The Surgeon General”, the surgeon general of
14 the public health service of the United States.

15 “Hospital”, shall include public health centers and
16 general, tuberculosis, mental, chronic disease and other
17 types of hospitals and related facilities, such as labo-
18 ratories, out-patient departments, nurses’ home and
19 training facilities and central service facilities oper-
20 ated in connection with hospitals, but shall not include
21 any hospital primarily furnishing domiciliary care.

22 “Public health center”, a publicly owned facility
23 furnishing public health service, including related
24 facilities, such as laboratories, clinics and adminis-
25 trative offices operated in connection with public
26 health centers.

27 “Non-profit hospital”, any hospital owned and
28 operated by a corporation or association, no part
29 of the net earnings of which inures, or may lawfully
30 inure, to the benefit of any private shareholder or
31 individual.

1 SECTION 2. The department of public health,
2 through a division of hospitals, shall constitute the
3 sole agency of the commonwealth for the purpose of
4 preparing a current inventory of existing hospitals

5 within the commonwealth, surveying the need for
6 the construction of additional hospitals or other
7 hospital facilities and developing a program of hospi-
8 tal construction and inspection of construction as
9 provided by this act; also developing and administer-
10 ing the revision of the state plan for the construction
11 of public and other non-profit hospitals as provided
12 by this act.

1 SECTION 3. The commissioner shall have the
2 following powers and duties: —

3 (a) To require such reports, make such inspections
4 and investigations and to prescribe such regulations
5 as may be necessary or convenient for the purpose
6 of carrying out the provisions of this act.

7 (b) To establish methods of administration, ap-
8 point personnel, secure the temporary or intermittent
9 services of experts or consultants or organizations
10 thereof, by contract, when such services are to be
11 performed on a part-time or fee-for-service basis
12 and do not involve the performance of administrative
13 duties.

14 (c) To request and to receive from the several
15 offices, departments, boards and commissions of the
16 commonwealth such assistance as he may reasonably
17 require for the purpose of this act.

18 (d) To make applications to the surgeon general
19 for funds to assist in carrying out the survey and
20 planning provided for by this act.

21 (e) To take such other action as may be necessary
22 for the purpose of complying with the federal act
23 and regulations made by authority thereof.

1 SECTION 4. There shall be an advisory hospital

2 council to advise and consult with the department
3 of public health in the administration of this act,
4 composed of the commissioner, ex officio, who shall
5 be the chairman of the council, the commissioner of
6 mental health, the commissioner of public welfare,
7 the director of the public building commission, and
8 twenty or more members who shall be appointed
9 by the governor, of whom there shall be representa-
10 tives of non-government organizations or groups, and
11 of state agencies, concerned with the operation,
12 construction or utilization of hospitals, including
13 representatives of the consumers of hospital services
14 selected from among persons familiar with the need
15 for such services in urban or rural areas. Of the
16 appointive members first appointed hereunder, five
17 shall be appointed to serve for terms of one year, five
18 for terms of two years, five for terms of three years
19 and five for terms of four years, and as the terms of
20 appointive members expire their successors shall be
21 appointed in like manner for terms of four years.

1 SECTION 5. The department is authorized and
2 directed to make an inventory of existing hospitals,
3 including public, non-profit and proprietary hospitals,
4 to survey the need for the construction of additional
5 hospitals, and the basis of such inventory and survey
6 to develop a program for the construction of such
7 public and other non-profit hospitals as will, in con-
8 junction with existing facilities, afford the necessary
9 physical facilities for furnishing adequate hospital,
10 clinic and similar services to all the people of the
11 commonwealth.

1 SECTION 6. The construction program shall pro-
2 vide, in accordance with regulations prescribed under

3 the federal act, for adequate hospital facilities for
4 the inhabitants of the commonwealth, without dis-
5 crimination on account of race, creed or color, and
6 in so far as possible shall provide for their distribution
7 in such manner as to make all types of hospital service
8 reasonably accessible to all of said inhabitants.

1 SECTION 7. The department shall by regulation
2 prescribe minimum standards for the maintenance
3 and operation of hospitals which receive federal aid
4 for construction under the state plan.

1 SECTION 8. From time to time the department
2 shall inspect such construction project approved
3 by the surgeon general, and, if the inspection so
4 warrants the commissioner shall certify to the surgeon
5 general that work has been performed upon the proj-
6 ect, or purchases have been made, in accordance
7 with the approved plans and specifications, and
8 that payment of an installment of federal funds is
9 due to the applicant.

10 Where the commonwealth is the applicant, con-
11 struction funds received from the federal government
12 shall be deposited with the state treasurer and dis-
13 bursed as herein provided.

1 SECTION 9. The commonwealth may, for the
2 purpose of carrying out the provisions of this act,
3 accept, receive and use federal funds under the provi-
4 sions of Public Law seven hundred and twenty-five
5 of the seventy-ninth congress entitled hospital survey
6 and construction act. All federal funds paid to the
7 commonwealth for the administration of this act
8 shall be deposited with the state treasurer. Federal
9 funds granted for the purpose of this act shall be

10 available for expenditure by or with the approval
11 of the commissioner, with such moneys as may be
12 appropriated therefor by the general court upon
13 vouchers filed with the comptroller in accordance
14 with the procedure prescribed by section eighteen
15 of chapter twenty-nine of the General Laws. Any
16 funds paid the commonwealth under the provisions
17 of this act and not expended for the purposes for
18 which paid shall be repaid to the treasury of the
19 United States.

1 SECTION 10. This act may be cited as the "Massa-
2 chusetts Hospital Survey and Construction Act."

1 SECTION 11. If any provisions of this act, or the
2 application thereof to any person or circumstances,
3 is held invalid, the remainder of the act and the
4 application of such provision to any other person or
5 circumstances shall not be affected thereby.

1 SECTION 12. This act shall remain in effect only
2 as long as federal funds are available for its purposes.

