

SENATE No. 552

The Commonwealth of Massachusetts

SENATE, March 28, 1961.

The committee on State Administration, to whom was referred so much of the recommendations of the Department of Public Health (House, No. 60) as relates to reorganizing said department (accompanied by bill, House, No. 61), report the accompanying Bill (Senate, No. 552).

For the committee,

LESLIE B. CUTLER.

The Commonwealth of Massachusetts

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

AN ACT REORGANIZING 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 sections 1 to 11, inclusive, and insert-
3 ing in place thereof the following five sections: —

4 *Section 1.* There shall be a department of public health, in
5 this chapter called the department, under the supervision and
6 administration of the commissioner.

7 *Section 2.* The commissioner shall be a physician skilled in
8 sanitary science and experienced in public health administra-
9 tion. Upon the expiration of the term of office of a commis-
10 sioner, his successor shall be appointed by the governor upon
11 the recommendation of the public health council, with the ad-
12 vice and consent of the executive council. The term of the
13 commissioner shall be six years and he shall receive a salary
14 of sixteen thousand dollars per annum.

15 *Section 3.* There shall be a public health council consisting
16 of seven appointive members, of whom three shall be physi-
17 cians, with the commissioner serving as secretary. Upon the
18 expiration of the term of office of an appointive member, his
19 successor shall be appointed by the governor, with the advice
20 and consent of the council, for a term of seven years, and until
21 the qualification of his successor. The public health council,
22 which shall select its own chairman, shall meet at least once a
23 month except during July and August and at such other times
24 as it shall determine by its rules or when requested by the
25 commissioner or any four members. The appointive members
26 shall receive twenty dollars a day while in conference and their
27 necessary traveling expenses while in the performance of their
28 official duties. [The public health council shall establish poli-

29 cies for the department and, upon request, advise the commis-
30 sioner concerning the administration and enforcement of all
31 matters over which the department has jurisdiction.]

32 *Section 4.* The commissioner shall be the executive and ad-
33 ministrative head of the department. He shall have charge
34 of the administration and enforcement of all laws, rules and
35 regulations which it is the duty of the department to admin-
36 ister and enforce. In the department there shall be such
37 bureaus and divisions and other organizational units as the
38 public health council, on the recommendation of the commis-
39 sioner, shall from time to time establish. The commissioner
40 shall, subject to the approval of the public health council, ap-
41 point deputy commissioners of bureaus and directors of divi-
42 sions. Every such deputy commissioner or director shall be
43 subject to the provisions of chapter thirty-one. The com-
44 missioner may require that a physician who is to be appointed
45 a deputy commissioner or division director be a diplomate of
46 an American board of medical specialists, approved by the
47 American Medical Association, appropriate to his responsibili-
48 ties in the department; that a dentist who is to be so appointed
49 be a diplomate of an examining board in dental specialties,
50 approved by the American Dental Association, appropriate to
51 his responsibilities in the department; and that an engineer
52 who is so appointed be a diplomate of the American Academy
53 of Sanitary Engineers established by the American Sanitary
54 Engineering Intersociety Board, Inc. The commissioner shall
55 designate a deputy to perform the duties of the commissioner
56 during his absence or disability.

57 *Section 5.* The commissioner may appoint district health
58 officers, assistant directors of divisions and epidemiologists,
59 inspectors and other necessary employees. Persons appointed
60 hereunder shall be subject to chapter thirty-one. The commis-
61 sioner may also appoint a superintendent and all other officers
62 and employees necessary for the proper administration of the
63 affairs of the institutions in the department and may incur all
64 expenses necessary for the maintenance of the institutions.
65 Any treasurer appointed shall give bond for the faithful per-
66 formance of his duties. The commissioner may require that a

67 physician to be appointed under this section be a diplomate
68 of an American board of medical specialists, approved by the
69 American Medical Association, appropriate to his responsibili-
70 ties in the department; that a dentist who is to be so appointed
71 be a diplomate of an examining board in dental specialties,
72 approved by the American Dental Association, appropriate to
73 his responsibilities in the department; and that an engineer
74 who is so appointed be a diplomate of the American Academy
75 of Sanitary Engineers established by the American Sanitary
76 Engineering Intersociety Board, Inc.

1 SECTION 2. Section 3 of chapter 111 of the General Laws, as
2 amended by chapter 152 of the acts of 1946, is hereby further
3 amended by striking out the last sentence and inserting in
4 place thereof the following sentence: — Hearings of the de-
5 partment may be held by [the council or] the commissioner,
6 or by the director of a division of the department if so au-
7 thorized by the council.

1 SECTION 3. Section 17 of said chapter 111, as amended by
2 section 1 of chapter 545 of the acts of 1957, is hereby further
3 amended by striking out the first sentence and inserting in
4 place thereof the following sentence: — The commissioner
5 and the public health council shall issue for a term of two
6 years, and may renew for like terms, a license subject to rev-
7 ocation by it for cause, to any person whom it deems re-
8 sponsible and suitable to establish and maintain a hospital,
9 sanatorium, convalescent or nursing home, infirmary main-
10 tained in a town, or rest home which meets the requirements
11 of the department established in accordance with its rules and
12 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
3 commissioner. The officers and employees of the department
4 of public health serving therein upon the effective date of this
5 act, who are subject to the civil service laws and all others
6 who have attained tenure shall continue to serve in the de-
7 partment 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
10 service with the department, and, for retirement purposes,
11 their services with the department shall be deemed to be cred-
12 itable service; and officers and employees of said department,
13 on said effective date, shall, for the purposes of determining
14 their period of service under the provisions of sections 9A and
15 9B of chapter 30 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.

The first part of the report deals with the general situation of the country and the progress of the war. It is followed by a detailed account of the military operations and the results of the campaigns. The report concludes with a summary of the state of the army and the prospects for the future.

By order of the Emperor
 The Minister of War

The following is a list of the names of the officers and soldiers who were mentioned in the report. The names are arranged in alphabetical order and include the names of the officers and the names of the soldiers who were mentioned in the report.

General [Name]
 Major [Name]
 Captain [Name]
 Lieutenant [Name]
 Sergeant [Name]
 Soldier [Name]

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