

HOUSE No. 129

Accompanying the eleventh recommendation of the Department of Mental Health (House, No. 118). Public Service.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ASSISTANT
TREASURERS AT STATE HOSPITALS UNDER THE DE-
PARTMENT OF MENTAL 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 Chapter one hundred and twenty-three of the
2 General Laws is hereby amended by striking out
3 section twenty-eight, as amended by section twelve
4 of chapter four hundred and eighty-six of the acts
5 of nineteen hundred and thirty-eight, and inserting
6 in place thereof the following section:— *Section 28.*
7 The trustees of each state hospital, with the approval
8 of the state treasurer, shall appoint and may remove
9 a treasurer and assistant treasurer, each of whom
10 shall give bond for the faithful performance of his
11 duties. Said trustees, with the approval of the de-
12 partment, shall appoint a superintendent, who shall
13 be a physician who is a diplomate in psychiatry of
14 the American Board of Psychiatry and Neurology,

15 Incorporated, and shall have had at least four years'
16 administrative experience in a state or federal hospital
17 for mental diseases or in any equivalent psychiatric
18 organization or at least three years' experience as
19 aforesaid and at least one year's experience in the
20 department controlling such hospital. The superin-
21 tendent, with the approval of the trustees, shall
22 appoint and may remove assistant physicians and
23 necessary subordinate officers and other persons. A
24 superintendent of a state hospital may be removed
25 by the trustees thereof, with the approval of the
26 department, for inefficiency, failure to perform duties
27 properly or other good cause. A superintendent
28 sought to be so removed shall be notified of the
29 proposed action, shall be furnished with a copy of
30 the reasons therefor and shall be given a hearing
31 before the trustees, and be allowed to answer the
32 charges preferred against him, either personally or
33 by counsel. Within twenty days after the hearing
34 hereinbefore provided for, said superintendent may
35 bring a petition in the superior court within and for
36 the county wherein he resides, praying that the
37 action of said trustees may be reviewed by the court,
38 and, after such notice to such trustees as the court
39 deems necessary, it shall review such action, hear
40 the witnesses, and shall affirm the decision of the
41 trustees unless it shall appear that such decision was
42 made without proper cause or in bad faith, in which
43 case said decision shall be reversed and the petitioner
44 be reinstated in his office without loss of compensa-
45 tion. The decision of the court shall be final and
46 conclusive upon the parties.