

By Mr. Flaherty of Boston, petition of Michael F. Flaherty that provision be made for hospital care for certain indigents. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT TO PROVIDE HOSPITAL CARE FOR INDIGENTS.

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 409 of the acts of 1976 is hereby amended
2 by inserting after Section 5A the following new section: —

3 *Section 5B.* Notwithstanding any other section of this chapter,
4 the following words as used in sections thirty-two to forty-six,
5 inclusive, of chapter six A of the General Laws, shall have the
6 following meaning for all modifications of charges proposed after
7 October one, nineteen hundred and eighty-one: —

8 “Total patient care costs:” total patient care cost as defined for
9 the purposes of Title XVIII, including part A and part B patient
10 care services and Title XIX of the federal Social Security Act,
11 provided that any hospital which performs a reasonable volume of
12 services to persons unable to pay therefor, as described in section
13 nineteen A of chapter one hundred and seventeen of the General
14 Laws, may include the cost of such services as a patient care cost.

1 SECTION 2. Chapter 117 of the General Laws is hereby
2 amended by inserting after Section 19 the following new section: —

3 *Section 19A.* Each hospital, as defined by section thirty-one of
4 chapter six A of the General Laws, shall provide a reasonable
5 volume of services, including medically necessary non-emergency
6 services, to recipients of benefits provided pursuant to section one
7 of this chapter unless such provision of services is not feasible from
8 a financial view-point as so certified by the department of public
9 health. Compliance with the requirement of a reasonable volume
10 of services will be presumed if a hospital (1) budgets for the support

11 of, and makes available upon request, uncompensated services to
12 recipients of said benefits at a level not less than three percent of
13 operating costs which shall not include funds obligated under the
14 federal Hill-Burton program, or (2) certifies that it will not exclude
15 any recipient of said benefits from admission on the grounds that
16 such person is unable to pay for needed services and that it will
17 make available to each person so admitted services provided by the
18 facility without charge. Subject to the provision of this section,
19 every recipient of such benefits shall be entitled to receive medically
20 necessary treatment at such facilities.

21 Each hospital shall file annual reports with the department of
22 public health which shall detail, at a minimum, the number of
23 persons who were provided services pursuant to this section, the
24 extent and type of care so provided, and the number of persons
25 who requested such services but whom the hospital was unable to
26 serve.

27 Any person denied services under this section shall have the right
28 to appeal such denial to the department of public health. The
29 department of public welfare shall provide such information as
30 required by the department of public health in order to adjudicate
31 such an appeal.

32 Each hospital shall conspicuously post a notice, which shall be
33 multilingual where the hospital services a multilingual community,
34 at appropriate areas within its facility for the purpose of informing
35 patients or potential patients of the availability of these services.

36 The department of public health and the department of public
37 welfare shall promulgate regulations to implement the provisions
38 of this section.

1 SECTION 3. An advisory board on general relief hospital care
2 is hereby established. Said board shall consist of eight members
3 and shall include the commissioners of public health, the commis-
4 sioner of public welfare, and the chairman of the rate setting
5 commission, or their designees. The Governor shall appoint the
6 five other members, one of which shall be a member of the state
7 medicaid advisory board, one of which shall be a member of an
8 advocacy group for elder citizens, one of which shall represent a
9 municipal hospital, one of which shall represent private nonprofit
10 hospital service corporations under chapter one hundred and se-

11 venty-six A. Said board shall be established on August 1, 1981. It
12 will be the responsibility of the board to oversee the implementa-
13 tion of sections one and two of this act, including the duty to
14 initiate discussions with proper federal authorities in order to
15 request a waiver from any federal statutes or regulations which
16 might be interpreted as conflicting with sections one or two of this
17 act.

1 SECTION 4. The provisions of this act are severable, and if any
2 of its provisions shall be held unconstitutional or otherwise invalid
3 by a court of competent jurisdiction, the decision of such court
4 shall not affect or impair any of the remaining provisions.

1 SECTION 5. Sections three and four shall become effective
2 upon the date of passage. Sections one and two will become
3 effective as of October one, nineteen hundred and eighty-one.

