

HOUSE No. 3592

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 2, 1962.

The committee on State Administration, to whom was referred the petition (accompanied by bill, Senate, No. 142) of Kevin B. Harrington and Leslie B. Cutler for legislation to regulate the powers and duties of the Commissioner of Public Health and the Public Health Council and making other changes in the organization of the department; and on so much of the recommendations of the Department of Public Health (House, No. 70) as relates to reorganizing said department and transferring the hospitals to the bureau of medical care therein (accompanied by bill, House, No. 71), report the accompanying bill (House, No. 3592).

For the committee,

STEPHEN T. CHMURA.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE POWERS AND DUTIES OF THE COMMISSIONER OF PUBLIC HEALTH AND THE PUBLIC HEALTH COUNCIL AND MAKING CERTAIN OTHER CHANGES IN THE ORGANIZATION OF THE DEPARTMENT.

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 2 to 11, inclusive, as amended,
3 and inserting in place thereof the following five sections: —
- 4 *Section 2.* The commissioner shall be a physician skilled in
5 sanitary science and experienced in public health administra-
6 tion. Upon the expiration of the term of office of a commissioner,
7 his successor shall be appointed by the governor, with the ad-
8 vice and consent of the council, for a term of six years. The
9 commissioner shall receive a salary of sixteen thousand dollars.
- 10 *Section 3.* There shall be a public health council, consisting
11 of seven members to be appointed by the governor for terms of
12 seven years each, of whom three shall be physicians, three shall
13 have had experience in some field connected with public health,
14 and one shall be a registered professional engineer certified as a
15 diplomate of the American Academy of Sanitary Engineers.
16 Upon the expiration of the term of a member, his successor shall
17 be appointed in like manner for a term of seven years and until
18 the qualification of his successor. If a member for any reason
19 does not complete his term, his successor shall be appointed in
20 like manner for the unexpired portion of his term. The council
21 shall select its own chairman, and shall meet at least four times
22 a year or when requested by the commissioner. The commis-
23 sioner may attend any meeting of the said council. The coun-
24 cil shall approve the rules and regulations promulgated under
25 the sanitary code and shall advise the commissioner on other
26 matters when so requested. The council shall hold hearings on
27 appeals from rulings of the commissioner. The appointive mem-
28 bers shall receive thirty dollars a day while in conference, and

29 shall be reimbursed for expenses necessarily incurred while in
30 the performance of their official duties.

31 *Section 4.* The commissioner shall be the executive and admin-
32 istrative head of the department. He shall have charge of the
33 administration and enforcement of all laws, rules and regulations
34 which it is the duty of the department to administer and en-
35 force. In the department there shall be such bureaus and divi-
36 sions and other organizational units as the commissioner may
37 from time to time establish. Each such bureau and division
38 shall be under the direction of a deputy commissioner or di-
39 rector, respectively, to be appointed by the commissioner sub-
40 ject to the provisions of chapter thirty-one. The commissioner
41 shall designate a deputy commissioner to perform the duties of
42 the commissioner during his absence or disability. The com-
43 missioner may require that a physician who is appointed a
44 deputy commissioner be certified as to his qualifications by one
45 of the physicians' specialty boards approved by the Council on
46 Medical Education and Hospitals of the American Medical
47 Association, and he may require that an engineer to be appointed
48 a deputy commissioner or a director be a registered professional
49 engineer certified as a diplomate of the American Academy of
50 Sanitary Engineers.

51 *Section 5.* The commissioner may appoint district health
52 officers, assistant directors of divisions and epidemiologists, in-
53 spectors and other necessary employees. Any person appointed
54 under this section shall be subject to the provisions of chapter
55 thirty-one. The commissioner may also appoint a superintend-
56 ent and all other officers and employees necessary for the proper
57 administration of the affairs of the institutions in the department
58 and may incur all expenses necessary for the maintenance of the
59 institutions. Any treasurer appointed shall give bond for the
60 faithful performance of his duties. The commissioner may re-
61 quire that a physician to be appointed under this section be
62 certified as to his qualifications by one of the physicians' spe-
63 cialty boards approved by the Council on Medical Education and
64 Hospitals of the American Medical Association, and he may re-
65 quire that an engineer to be appointed in accordance with this
66 section be a registered professional engineer certified as a diplo-
67 mate of the American Academy of Sanitary Engineers.

68 *Section 6.* The institution located at Rutland shall be called
69 the Rutland Hospital, the institution located at Lakeville shall

70 be called the Lakeville Hospital and the institution located at
71 Westfield shall be called the Westfield Hospital.

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

1 SECTION 3. Section 71 of said chapter 111, as most recently
2 amended by section 1 of chapter 545 of the acts of 1957, is hereby
3 further amended by striking out the first sentence and inserting
4 in place thereof the following sentence: — The commissioner and
5 the public health council shall issue for a term of two years, and
6 may renew for like terms, a license subject to revocation by it
7 for cause, to any person whom it deems responsible and suitable
8 to establish and maintain a hospital, sanatorium, convalescent
9 or nursing home, infirmary maintained in a town, or rest home
10 which meets the requirements of the department established
11 in accordance with its rules and 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 com-
3 missioner of public health. The officers and employees of the
4 department of public health serving therein upon the effective
5 date of this act, who are subject to the civil service laws and all
6 others who have attained tenure shall continue to serve in the
7 department 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 service
10 with the department, and, for retirement purposes, their services
11 with the department shall be deemed to be creditable service;
12 and officers and employees of said department, on said effective
13 date, shall, for the purposes of determining their period of service
14 under the provisions of sections nine A and nine B of chapter
15 thirty of the General Laws, be considered to have been in the
16 service of the department from the date of their original ap-
17 pointment or employment without interruption by the enact-
18 ment of this act.