

to pedestrian safety and vehicular traffic control at the following locations: — (1) on the Winthrop Parkway between Broad Sound avenue and Jones road in the city of Revere; (2) in the vicinity of the present housing project in the city of Chelsea; (3) on Alewife Brook parkway in the cities of Cambridge and Somerville, including the entrance to the new stadium on the Alewife Brook parkway in the city of Somerville; (4) at the intersection of River street and Mystic Valley parkway in the town of Arlington; (5) along Stony Brook Reservation between the intersection of Bald Knob road and River street in the Hyde Park district of the city of Boston; (6) along the Strandway from Castle Island to Kosciusko Circle in the South Boston district of said city; (7) along Morrissey Boulevard, from said Kosciusko Circle to Neponset Circle, in the Dorchester district of said city; (8) on Fresh Pond parkway in the city of Cambridge; and (9) Beaver Brook reservation in the town of Belmont. Said commission shall determine whether additional lighting or any additional facility designed to provide pedestrian safety, such as a traffic overpass, push button traffic control lights, warning signs or other similar device, should be installed in any of the said locations, and shall forthwith install such facilities as may be required to insure the safety and convenience of the public at such locations.

*Approved August 6, 1956.*

**Chap. 615** AN ACT RELATING TO THE HOSPITALIZATION OF CERTAIN TUBERCULOSIS PATIENTS AND TO THE ESTABLISHMENT OF A STATE SANATORIUM TREATMENT CENTER FOR SUCH PATIENTS.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 111, new §§ 94A-94H, added.

Hospitalization of certain tuberculosis patients.

SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after section 94, as appearing in the Tercentenary Edition, the following eight sections: — *Section 94A.* (a) The board of health of any city or town, or any member thereof, or two physicians licensed to practice medicine in the commonwealth, may certify to the commissioner any non-hospitalized person who (1) is afflicted with active tuberculosis, (2) is unwilling or unable to accept proper medical treatment, and (3) is thereby a serious danger to the public health.

(b) On receipt of such certification the commissioner or his agent shall conduct or have conducted an examination of such person, and, if he concurs in the certification shall file a petition in the district court under section ninety-four C for the hospitalization of such person. If, however, such person refuses to submit to examination, the commissioner may order him to be hospitalized immediately at the state sanatorium treatment center, established under section ninety-four D for a fifteen-day observational period.

(c) If the commissioner or his agent concurs in the certi-

fication of the board of health, and finds that such person is in need of immediate hospitalization for the protection of the public health, he may order him to be hospitalized immediately at the state sanatorium treatment center for a fifteen-day emergency observational period.

(d) The commissioner or his agent may call on the police department of the city or town whose board of health certified such person, or the police department of the place where such person is present, to provide the transportation to the state sanatorium treatment center.

(e) If the patient is sent to the state sanatorium treatment center under this section, the superintendent thereof shall, at the expiration of fifteen days, either release the patient or file a petition with the district court under section ninety-four C. The patient may be detained at the center pending disposition of the petition.

*Section 94B.* If any active tuberculosis patient in a municipal, county, state or private sanatorium or hospital indicates his desire to leave the institution against the medical advice of the superintendent or manager of the institution in accord with the accepted medical policy of the institution, and the superintendent or manager determines that to allow his release would be a serious danger to the public health, he may detain the patient, or, if he fears the patient may try to leave the hospital, he may request the local police department to transport the patient immediately to the state sanatorium treatment center established under section ninety-four D.

Patient may be detained.

If the superintendent or manager detains the patient at his own institution, he shall immediately file a petition in the district court under section ninety-four C for the prolonged hospitalization of the patient. The patient may be detained at the institution pending disposition of the petition.

If the patient is transported to the state sanatorium treatment center he shall be detained there no longer than fifteen days, and upon the expiration of that time he shall be released, unless a petition for the prolonged hospitalization of such patient is filed by the superintendent thereof in the district court under section ninety-four C.

*Section 94C.* Any justice or associate justice of the district court may commit to the state sanatorium treatment center established under section ninety-four D, for prolonged hospitalization, any person afflicted with active tuberculosis and residing in or present in the jurisdiction of the court, concerning whom a petition has been filed in accordance with sections ninety-four A and ninety-four B.

Procedure for commitment to the state sanatorium treatment center.

The procedure for commitment shall be as follows: —

(1) If the petition is filed by the commissioner of public health or his agent under section ninety-four A in a non-emergency situation, the court shall appoint two physicians experienced in the diagnosis, care and treatment of tuberculosis to examine the person and report to the court on his

condition and on his willingness and ability to accept proper medical treatment, and to give their opinion on whether or not it would be a serious danger to the public health to allow the person to be unhospitalized. Neither of these physicians shall be on the full-time staff of a state, county or municipal tuberculosis hospital.

The court shall give the person notice of his right to a hearing on the matter of his commitment. If the person does not request a hearing, the judge may order his commitment on the basis of the physicians' reports. If a hearing is requested, the court shall allow the person a reasonable time to prepare his case. The court need not see the person or hear him in open court if it is deemed inadvisable by the physicians because of his contagious condition. If, however, it is determined that the person cannot be present because of his condition, he must be given notice of this fact and of his right to have counsel and witnesses present at the hearing. In the latter case, the court shall appoint legal counsel to represent the person's interests at the hearing if he does not have his own legal counsel.

If the judge finds the person is afflicted with tuberculosis and is unwilling or unable to accept proper medical treatment, and is thereby a serious danger to the public health, the judge shall commit the person to the care and custody of the commissioner, to be cared for and treated at the state sanatorium treatment center.

(2) If the petition is filed by the superintendent of the state sanatorium treatment center under section ninety-four A or ninety-four B, or under section ninety-four B by the superintendent or manager of another sanatorium or hospital, the judge shall give notice to the patient of his right to a hearing on the matter of his commitment. If a hearing is requested it shall be granted and the commitment procedure and medical examination shall be conducted in compliance with paragraph (1). If no hearing is requested the judge may, on the basis of the petition of the superintendent and on such other evidence as he may require, order the person committed.

State  
sanatorium  
treatment  
center,  
established.

*Section 94D.* The department of public health shall establish in one of the state sanatoria a treatment center for the custody, care and treatment, and rehabilitation, of patients hospitalized under sections ninety-four A to ninety-four C. The center shall be equipped with adequate safeguards to prevent the escape of patients from the sanatorium. It shall be under the supervision of the superintendent of the sanatorium under the same conditions as any other portion of the sanatorium, excepting any provisions of this chapter, or any rules or regulations made by the commissioner.

The commissioner may construct facilities similar to said treatment center at any state sanatorium, and all such facilities shall constitute the treatment center, as used in sections ninety-four A to ninety-four C, inclusive. On any hospitalization under sections ninety-four A to ninety-four C

the commissioner may assign the patients to whichever facility he deems best suited to care for them. The commissioner may transfer patients in one sanatorium facility to another such facility within the center if he deems it advisable.

*Section 94E.* The full financial responsibility for the care and treatment of patients hospitalized at the state sanatorium treatment center shall be on the commonwealth, and the patients shall be considered unsettled tuberculosis cases for this purpose. The placing of such financial responsibility on the commonwealth for the patients shall in no way affect the place of settlement or other matters concerning the family or dependents of the patients.

Commonwealth to assume full financial responsibility for care and treatment of patients.

*Section 94F.* Any person hospitalized at the treatment center may be discharged therefrom by the superintendent at any time he determines that it is in the best interest of the patient and of the public health so to do.

Discharge of person from treatment center.

The superintendent may also declassify the patient as under the care and custody of this center and transfer him to an open ward at the same sanatorium, or transfer him to another sanatorium, state, county, municipal or private, if he deems it in the best interest of the patient and the public health. The admission of the patient to such other institutions shall be in accordance with the requirements of law for admission to such institutions.

*Section 94G.* Any person hospitalized at the treatment center may petition the district court which committed him to release him therefrom. Such petition shall not be made until six months after the original court commitment. If such petition is denied, another such petition shall not be filed until six months after the date of denial of a previous petition.

Petition to district court for release.

The court may order the person released from the treatment center if it finds such person is no longer affected with active tuberculosis, or is willing and able to accept proper medical treatment, and is thereby no longer a danger to the public health.

*Section 94H.* The commissioner and the public health council may make regulations concerning the content of the certification made by boards of health and physicians under section ninety-four A, including the definition of, and the methods for determining active tuberculosis. The commissioner and public health council may make regulations concerning the minimum standards for proper medical treatment for active tuberculosis patients cared for outside a hospital, so that such patients will not be a menace to the public health.

Commissioner and public health council to make certain regulations.

SECTION 2. No person shall be committed under sections ninety-four A to ninety-four C, inclusive, of chapter one hundred and eleven of the General Laws, until the treatment center established under section ninety-four D of said chapter has been established and is in operation, and is approved by the commissioner of public health.

*Approved August 6, 1956.*