

HOUSE No. 5514

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, MAY 10, 1971.

The committee on Social Welfare, to whom were referred so much of the recommendations of the Department of Public Health (House, No. 188) as relates to encouraging the care of handicapped children and providing for the payment of such care (accompanied by bill, House, No. 192); and the petition (accompanied by bill, House, No. 4881) of Paul Murphy that provision be made for the care and hospitalization of certain physically handicapped children, report recommending that the accompanying bill (House, No. 5514) ought to pass.

For the committee,

JOHN J. DESMOND

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE CARE AND HOSPITALIZATION OF
CERTAIN HANDICAPPED CHILDREN.

*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 111 of the General Laws is hereby
2 amended by striking out section 67E, inserted by section 3 of
3 chapter 22 of the acts of 1963, and inserting in place thereof the
4 following three sections: —

5 *Section 67E.* Within ten days after a child with a handicapping
6 or potentially handicapping condition, is born in a hospital or
7 admitted thereto prior to attaining age twenty-one the superin-
8 tendent or other person in charge of such hospital shall file a
9 report with the department in the manner described by the
10 department and if such child is not admitted to a hospital such
11 report shall be filed with the department by the attending
12 physician.

13 As used in this section and section sixty-seven F “handi-
14 capping condition” shall mean and include premature births,
15 congenital malformations, birth injuries, respiratory distress,
16 infectious diseases, metabolic and toxic disorders, tumors,
17 accidents, cystic fibrosis, mental retardation, mongolism, muscu-
18 lar dystrophy, hephrosis, rheumatic fever and rheumatic heart
19 disease, blood dyscrasias, cancer, brain injury, heart disease, and
20 such other disorders as the department may, from time to time,
21 include in rules or regulations established by it. Such rules and
22 regulations shall be approved by the department of mental health
23 prior to promulgation. Such rules or regulations may also provide
24 for standards relative to the type and quality of such care and
25 treatment.

26 *Section 67F.* Expenses for the care and hospitalization of any
27 child which is subject to the provisions of section sixty-seven E
28 shall be paid by the parents or guardian or any person bound by

29 law to maintain to pay, such expenses, in accordance with rates
30 established by the rate setting commission under sections
31 thirty K to thirty P, inclusive, of chapter seven, shall be paid by
32 the Commonwealth as hereinafter provided. No payments shall
33 be made by the commonwealth for such expenses incurred more
34 than thirty days prior to the receipt by the department of a
35 written notice or a telephone request, confirmed in writing, from
36 the superintendent or other person in charge of a hospital
37 rendering such care and treatment unless the commissioner, for
38 good cause, determines that such payment shall be made
39 notwithstanding the failure to give notice within the time he
40 stated. Any payments made hereunder by the commonwealth
41 may be recovered in contract from the parent, guardian, or
42 person bound by law to maintain such child, if such person is
43 able to pay. Notwithstanding any other provision of this section,
44 in the event that a child is eligible for services under chapter
45 118E payment shall be made under that chapter and in
46 accordance with its provisions.

1 SECTION 2. Section 67B, section 67C and section 67D of
2 chapter 111 of the General Laws are hereby repealed.

