

By Mr. Bartley of Holyoke, petition of David M. Bartley relative to the powers and duties of the board of trustees of the Soldiers' Home in Holyoke. Public Safety.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE BOARD OF TRUSTEES OF THE SOLDIERS' HOME IN HOLYOKE.

*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 6 of the General Laws is hereby  
2 amended by striking out section 71 and inserting in place  
3 thereof the following section:—

4 *Section 71.* Said board of trustees shall have the manage-  
5 ment and control of said Home and all property, real and  
6 personal, of the commonwealth and occupied or used by said  
7 Home. In the management and control of said Home as  
8 aforesaid, the said board of trustees shall (1) adopt, issue and  
9 promulgate reasonable rules and regulations governing out-  
10 patient treatment at, admission to, and hospitalization in, the  
11 said Home and (2) appoint a superintendent and a medical  
12 director. The superintendent shall be the administrative head  
13 of the Home and in charge of the domiciliary facilities but  
14 shall not have any control or supervision of the hospital,  
15 medical, surgical and out-patient facilities therein. He shall,  
16 subject to the approval of the board of trustees, appoint and  
17 may remove a treasurer and assistant treasurer, each of  
18 whom shall give bond for the faithful performance of his  
19 duties. The provisions of section forty-two of chapter thirty-  
20 one shall apply to the appointment of such treasurer and  
21 assistant treasurer. The superintendent shall also appoint and  
22 may remove such other persons as he deems necessary for the

23 proper and efficient operation of the facilities of the Home  
24 under his charge and supervision. The medical director shall  
25 be the head of the hospital and in charge of the medical,  
26 surgical and outpatient facilities. He shall appoint and may  
27 remove such physicians, nurses and other medical staff as he  
28 deems necessary for the proper and efficient operation of the  
29 facilities of the Home under his charge and supervision. The  
30 superintendent and/or medical director may be removed by  
31 the said board of trustees for inefficiency, failure to perform  
32 duties properly or other good cause. A superintendent and/or  
33 medical director sought to be so removed shall be notified of  
34 the proposed action, shall be furnished with a copy of the  
35 reasons therefor and shall be given a hearing before the  
36 trustees and be allowed to answer the charges preferred  
37 against him, either personally or by counsel. Within twenty  
38 days after the removal hereinbefore provided for, said super-  
39 intendent and/or medical director may bring a petition in the  
40 superior court within and for the county wherein he resides,  
41 praying that the action of the said trustees may be reviewed  
42 by the court, and, after such notice to the trustees as the  
43 court deems necessary, it shall review such action, hear the  
44 witnesses, and shall affirm the decision of the trustees unless  
45 it shall appear that such decision was made without proper  
46 cause or in bad faith, in which case the said decision shall be  
47 reversed and the petitioner be reinstated in his office without  
48 loss of compensation. The decision of the court shall be final  
49 and conclusive upon the parties. In addition to the foregoing,  
50 the said board of trustees shall have the same powers and  
51 perform the same duties as are vested and imposed in the  
52 trustees of state hospitals under the provisions of sections  
53 twenty-seven and twenty-nine of chapter one hundred and  
54 twenty-three, so far as applicable.

1 SECTION 2. All officers and employees of the department of  
2 mental health who immediately prior to the effective date of  
3 this act hold positions classified under chapter thirty-one of  
4 the General Laws, or have tenure in their positions by reason  
5 of sections nine A, nine B and nine D of chapter thirty and  
6 section twenty-eight of chapter one hundred and twenty-  
7 three of the General Laws, shall continue to be employees of

8 the department of mental health without impairment of civil  
9 service status, seniority, retirement and other employment  
10 rights, and without interruption of service within the mean-  
11 ing of said chapter thirty-one or sections nine A, nine B, or  
12 nine D of chapter thirty, and without reduction in his  
13 compensation and salary grade, notwithstanding any change  
14 in his title or duties made under this act. All officers and  
15 employees of said department who immediately prior to said  
16 effective date do not hold positions classified under chapter  
17 thirty-one of the General Laws, or do not have tenure in their  
18 positions by reason of sections nine A, nine B or nine D of  
19 chapter thirty and section twenty-eight of chapter one hun-  
20 dred and twenty-three of the General Laws, shall continue to  
21 be employees of said department under this act without  
22 impairment of seniority, retirement and other rights, and  
23 without interruption of service within the meaning of sections  
24 nine A, nine B, or nine D of said chapter thirty, chapter  
25 thirty-one and section twenty-eight of chapter one hundred  
26 and twenty-three of the General Laws, and without reduction  
27 in compensation and salary grade.

28 Any person serving under appointment for a term in the  
29 said department immediately prior to the effective date of  
30 this act shall continue so to serve in a position of at least  
31 equivalent rank, salary and other benefits until the expiration  
32 of the term for which he has been appointed; and any  
33 benefits or rights to which such person would have been  
34 entitled upon the expiration of such term shall not be  
35 impaired by this act.

