

ACTS, 1984. - Chap. 418.

Charles A. Perkins Co., Inc.; Civil Engineers & Surveyors,  
Clinton, Mass. Plan No. 5542.

SECTION 2. This act shall take effect upon its passage.

Approved December 28, 1984.

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Chap. 418. AN ACT FURTHER REGULATING THE DETERMINATION OF NEED IN CERTAIN HEALTH CARE FACILITIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate determination of need in certain health care facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 25C of chapter 111 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 4 of chapter 541 of the acts of 1980, and inserting in place thereof the following paragraph:-

Notwithstanding any contrary provisions of law, except as provided in section twenty-five C 1/2, no person or agency of the commonwealth or any political subdivision thereof shall make substantial capital expenditures for construction of a health care facility or substantially change the service of such facility unless there is a determination by the department that there is need therefor. No such determination of need shall be required for any substantial capital expenditure for construction or any substantial change in service which shall be related solely to the conduct of research in the basic biomedical or applied medical research areas, and shall at no time result in any increase in the clinical bed capacity or outpatient load capacity of a health care facility, and shall at no time be included within or cause an increase in the gross patient service revenue of a facility for health care services, supplies, and accommodations, as such revenue shall be defined from time to time in accordance with section thirty-one of chapter six A. Any person undertaking any such expenditure related solely to such research which shall exceed or may reasonably be regarded as likely to exceed one hundred and fifty thousand dollars or any such change in service solely related to such research, shall give written notice thereof to the department and the rate setting commission at least sixty days before undertaking such expenditure or change in service. Said notice shall state that such expenditure or change shall be related solely to the conduct of research in the

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basic biomedical or applied medical research areas, and shall at no time be included within or result in any increase in the clinical bed capacity or outpatient load capacity of a facility, and shall at no time cause an increase in the gross patient service revenue, as defined in accordance with said section thirty-one of said chapter six A, of a facility for health care services, supplies and accommodations. Notwithstanding the preceding three sentences, a determination of need shall be required for any such expenditure or change if the notice required by this section is not filed in accordance with the requirements of this section, or if the department finds, within sixty days after receipt of said notice, that such expenditure or change will not be related solely to research in the basic biomedical or applied medical research areas, or will result in an increase in the clinical bed capacity or outpatient load capacity of a facility, or will be included within or cause an increase in the gross patient service revenues of a facility. A research exemption granted under the provisions of this section shall not be deemed to be as evidence of need in any determination of need proceeding.

SECTION 2. Section two and three of chapter seven hundred and seventeen of the acts of nineteen hundred and eighty-one are hereby repealed.

Approved December 28, 1984.

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Chap. 419. AN ACT FURTHER REGULATING THE ISSUANCE OF REVENUE BONDS BY THE MASSACHUSETTS HEALTH AND EDUCATIONAL FACILITIES AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 614 of the acts of 1968, as amended by section 7 of chapter 777 of the acts of 1981, is hereby further amended by inserting after the word "education", in line 7, the words:- and schools for the handicapped,- and by inserting after the word "education", in line 20, the words:- , schools for the handicapped.

SECTION 2. Paragraph (b) of section 3 of said chapter 614, as amended by section 8 of said chapter 777, is hereby further amended by inserting after the word "education", in lines 2, 10, and 12, in each instance, the words:- or participating institution for the handicapped.

SECTION 3. Said section 3 of said chapter 614 is hereby further amended by striking out paragraphs (m) and (n), as