

HOUSE No. 4145

Section 76 contained in the engrossed Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment H of House, No. 4139). June 30, 2009.



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND NINE.

AN ACT PROHIBITING HEALTH CARE FACILITIES FROM CHARGING FOR CERTAIN SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prohibit forthwith health care facilities from charging for certain services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 51H of chapter 111 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following
3 subsection:-

4 (d) The department shall adopt regulations prohibiting a health care facility from charging or
5 seeking reimbursement for services provided as a result of the occurrence of a health-care associated
6 infection or serious reportable event. A health care facility shall not charge or seek reimbursement for a
7 health-care associated infection or serious reportable event that the facility has determined, through a
8 documented review process and under regulations adopted by the department, was: (i) preventable; (ii)
9 within its control; and (iii) unambiguously the result of a system failure based on the health care
10 provider's policies and procedures.

11 SECTION 2. This act shall take effect as of July 1, 2009.