

HOUSE No. 4145

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act prohibiting health care facilities from charging for certain services..

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
2 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof
3 the following subsection:-

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

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