

# HOUSE . . . . . No. 4028

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*James J. O'Day*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the board of health in the city of Worcester.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>3/28/2014</i>

# HOUSE . . . . . No. 4028

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By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 4028) of James J. O'Day (with the approval of the mayor and city council) that the city of Worcester be authorized to establish a board of health for said city. Municipalities and Regional Government. [Local Approval Received.]

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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An Act relative to the board of health in the city of Worcester.

*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. Notwithstanding any provision of any general or special law the city of  
2 Worcester may, by ordinance adopted under the reorganization provision of its home rule  
3 charter, provide for aboard of health to exercise any or all of the authority vested in boards of  
4 health by section thirty-one of chapter one hundred-eleven of the general laws or any other  
5 general law relative to boards of health in cities and towns. Such board shall consist of five  
6 members. Such ordinance shall provide that the five voting members of the board shall be  
7 appointed by the city manager who shall also designate one member as the chair of the board. All  
8 members shall serve at the pleasure of the city manager except that no member shall be removed  
9 from office solely on account of any vote or position taken on any matter pending before or  
10 decided by the board. Such ordinance shall further provide that the composition of the board  
11 shall represent the diversity of the city and shall be drawn from the business, educational, public  
12 health, engineering and legal communities of Worcester with individuals who exhibit the 21st  
13 Century skills of collaboration, critical thinking, communications and creativity. The initial  
14 appointments to the board shall consist of one member for one year one member for two years  
15 one member for three years one member for four years and one member for five years.  
16 Thereafter all members shall serve terms of five years and may continue thereafter as members  
17 of the board until the appointment and confirmation of their successor who shall serve for the  
18 balance of the term into which they were appointed. All members may be reappointed in  
19 accordance with the provisions and limitations of the city charter.

20           Section 2. The ordinance referred to in section one shall also require the city manager of  
21 the city of Worcester to appoint a chief executive officer of the city department responsible for

22 performing public health functions, which officer shall have received either: a) the degree of  
23 doctor of medicine from a medical school accredited by the American Medical Association; (b) a  
24 masters degree in public health or a field related to public health together with such practical  
25 experience and education in public health work as deemed suitable by the city manager. Said  
26 chief executive officer shall perform and exercise the duties and powers authorized by law and  
27 city ordinances which shall include responsibility for the oversight and direction of the city  
28 department of public health and the administration of the programs personnel property and  
29 budgets assigned or appropriated to said department. The ordinance referred to in section one  
30 shall also require the city department responsible for performing public health functions to have  
31 in its table of authorized positions a position of "medical director," who shall be qualified by  
32 receipt of the degree of doctor of medicine from a medical school accredited by the American  
33 Medical Association. In the event of an emergency requiring immediate action in the interest of  
34 public health where it is not practicable for the board of health to convene, the medical director  
35 shall be authorized to issue any orders reasonably necessary to address any such public health  
36 emergency and to issue emergency regulations on behalf of the board of health until such time as  
37 the board may convene to ratify revise or rescind any such regulation so issued. In the event that  
38 such medical director is not immediately available in such emergency, such authority shall be  
39 exercised by the chief executive officer. Any such emergency order shall be subject to the  
40 superseding authority of the city manager acting in his or her capacity under the city charter as  
41 the chief conservator of the peace of the city. In the event of a vacancy or temporary absence in  
42 either the office of said chief executive officer or the office of medical director, the city manager  
43 may appoint any person he or she deems suitable to perform the duties of such office until the  
44 vacancy is filled or the absence terminated.

45         Section 3. No member of the board of health or advisory committee constituted under  
46 authority of this act shall receive compensation either from the city or from any other institution  
47 or person for their service as a member of the board. The provisions of chapter two hundred and  
48 sixty-eight A shall apply to all members of the board. In the event that the chief executive  
49 officer, medical director, or any member of the board is unable to act on any particular matter  
50 due to a potential conflict of interest the city manager may appoint a temporary member to act in  
51 his or her place in that particular matter.

52         Section 4. This act shall take effect when enacted. Upon the effective date of any  
53 reorganization ordinance adopted under authority of this act the provisions of chapter one  
54 hundred eighty-one of the acts of nineteen hundred and fifty-three as amended by chapter seven  
55 hundred ninety-seven of the acts of nineteen hundred seventy shall be repealed and the offices  
56 provided for therein shall be terminated.