SENATE DOCKET, NO. 1473 FILED ON: 1/16/2015

SENATE . . . . . No. 1225

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to protect essential health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Donald F. Humason, Jr.	*Second Hampden and Hampshire*
James B. Eldridge	*Middlesex and Worcester*

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1225) of Bruce E. Tarr, Donald F. Humason, Jr. and James B. Eldridge for legislation to protect essential health services. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1102* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to protect essential health services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 51G of Chapter 111 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended in Subsection (4) by inserting, after the first sentence, the following: -

Any such notification shall include, but not be limited to, the following:

1. The reasons for which the closing or discontinuance is being proposed.

2. An analysis of the economic feasibility of retaining the essential health service or hospital and the economic impacts of the proposed closing or discontinuance

8 3. An analysis of the clinical safety of retaining the essential health service or hospital
9 and any threats to public health and safety that would be caused by the proposed closing or
10 discontinuance

11 SECTION 2. Section 51G of Chapter 111 of the General Laws is hereby amended in
12 Subsection (4) by adding, after the word "services" in the fourth sentence the following:-

13 The department may, if it determines that an essential health service can be retained in a
14 clinically safe manner without depriving the hospital of a fair net operating income, deny the
15 proposed discontinuance and require the retention of the essential health service either in its
16 original condition or any modification which the department deems to be satisfactory.

17 In the event that a hospital proposed for closure is owned or controlled by an entity which
18 holds a license for facilities other than the hospital proposed for closure, and the department
19 determines that the hospital can be retained in a clinically safe manner and without depriving that
20 entity of a fair net operating income, the department may require the retention of said hospital
21 either in its original configuration or any modification which the department deems to be
22 satisfactory.