

**SENATE . . . . . No. 538**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***William J. Driscoll, Jr.***

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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 emergency response and preparedness in the event of a surge in pediatric or adult hospitalizations.

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PETITION OF:

NAME:

*William J. Driscoll, Jr.*

DISTRICT/ADDRESS:

*Norfolk, Plymouth and Bristol*

**SENATE . . . . . No. 538**

By Mr. Driscoll, a petition (accompanied by bill, Senate, No. 538) of William J. Driscoll, Jr. relative to emergency response and preparedness in the event of surges in pediatric or adult hospitalizations. Emergency Preparedness and Management.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 733 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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An Act relative to emergency response and preparedness in the event of a surge in pediatric or adult hospitalizations.

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

1           Notwithstanding any general or special law to the contrary, in the event that: 1) hospital  
2 inpatient staffed-bed capacity rates meet or exceed 85% for any type of hospital bed, including  
3 but not limited to inpatient adult and pediatric general medical/surgical beds, inpatient adult and  
4 pediatric critical care beds, or inpatient adult or pediatric behavioral health care beds, for a  
5 period of 72 hours or more in a given Health and Medical Coordinating Coalition (HMCC)  
6 Region, as defined by the Department of Public Health, or 2) the DPH activates its Capacity  
7 Planning and Response Guidance for Acute Care Hospitals, then: the Division of Insurance, in  
8 collaboration with the Department of Public Health, shall direct all health insurance carriers to  
9 waive any prior authorization requirements that impact the transportation or discharge of patients  
10 from the hospitals in said region for a period of not less than 30 days or, in the case of activation

11 of said capacity planning and response guidance, for the duration of the Department's activation  
12 of said guidance.

13 The Division, in consultation with the Department, shall publish guidance implementing  
14 the provisions of this section within 30 days of the passage of this act.