SENATE DOCKET, NO. 665 FILED ON: 1/20/2011

SENATE . . . . . No. 1168

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 passage of the accompanying:

An Act to protect essential health services..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	☐ *[District]* ☐
Michael R. Knapik	☐ *[District]* ☐
Ann-Margaret Ferrante	*5th Essex*

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SENATE . . . . . No. 1168

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1168) of Bruce E. Tarr, Michael R. Knapik and Ann-Margaret Ferrante for legislation to protect essential health services. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *898* OF 2009-2010.]

The Commonwealth of Massachusetts

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 is hereby amended in Subsection (4) by adding, 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

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

SECTION 2. Section 51G of Chapter 111 of the General Laws is hereby amended in Subsection (4) by adding, after the word “hospital” in the fourth sentence thereof the following:

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

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