

**SENATE . . . . . No. 01168**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Bruce E. Tarr*

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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 passage of the accompanying bill:

An Act to protect essential health services..

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PETITION OF:

| NAME:                        | DISTRICT/ADDRESS:                   |
|------------------------------|-------------------------------------|
| <i>Bruce E. Tarr</i>         | <i>First Essex and Middlesex</i>    |
| <i>Michael R. Knapik</i>     | <i>Second Hampden and Hampshire</i> |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i>                    |

# SENATE . . . . . No. 01168

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By Mr. Tarr, petition (accompanied by bill, Senate, No. 1168) of Ferrante, Knapik and Tarr for legislation to protect essential health services [Joint Committee on Public Health].

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

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

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:*

1 SECTION 1. Section 51G of Chapter 111 of the General Laws is hereby amended in  
2 Subsection (4) by adding, after the first sentence, the following: -

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

- 4 1. The reasons for which the closing or discontinuance is being proposed.
- 5 2. An analysis of the economic feasibility of retaining the essential health service or  
6 hospital and the economic impacts of the proposed closing or discontinuance

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

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

12           The department may, if it determines that an essential health service can be retained in a  
13 clinically safe manner without depriving the hospital of a fair net operating income, deny the  
14 proposed discontinuance and require the retention of the essential health service either in its  
15 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 entity which  
17 holds a license for facilities other than the hospital proposed for closure, and the department  
18 determines that the hospital can be retained in a clinically safe manner and without depriving that  
19 entity of a fair net operating income, the department may require the retention of said hospital  
20 either in its original configuration or any modification which the department deems to be  
21 satisfactory.