

shall be submitted to the voters in the form of the following question which shall be placed on the official ballot: "Shall the acceptance by the town of Braintree of an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act authorizing the town of Braintree to establish a department of public works exercising the powers of certain departments and town officials of said town', be revoked?" If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held after said vote of revocation, the town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the department of public works by said act. Such action shall not affect any contract or liability then created or existing. All General Laws respecting town administration and town officers and any special laws relative to said town, the operation of which has been suspended or superceded by the acceptance of this act, shall then be in full force and effect. Any by-law inconsistent with such special or General Laws shall be revoked thereby. Any subsequent vote to revoke the acceptance of this act shall not be taken more often than once in three years. *Approved October 24, 1973.*

Chap. 946. AN ACT PROVIDING FOR THE TESTING, TREATMENT AND CARE OF PERSONS WHO HAVE A SUSCEPTIBILITY TO SICKLE CELL ANEMIA OR OTHER GENETICALLY-LINKED DISEASES SUCH AS TAY-SACHS DISEASE, COOLEY'S ANEMIA AND HEMOPHILIA.

Be it enacted, etc., as follows:

Chapter 76 of the General Laws is hereby amended by inserting after section 15A the following section: —

Section 15B. The department of public health shall furnish necessary laboratory and testing facilities for a voluntary screening program for sickle cell anemia or for the sickle cell trait and for such genetically-linked diseases as may from time to time be determined by the commissioner of public health, such as Tay-sachs disease, Cooley's anemia and hemophilia, which shall be established by each city and town. The commissioner shall promulgate rules and regulations for the testing, treatment, care and counseling of all susceptible persons. The most appropriate age for screening and the method of screening shall be determined and redetermined by the commissioner in accordance with said regulations in the light of technical and laboratory changes. Any screening programs which may be established shall include provisions for a complete health education and post-screening counseling service and for such treatment of those affected by any blood abnormality as the commissioner by regulation may determine to be appropriate or practical. Records maintained as part of any screening program shall be confidential and shall not be accessible to anyone other than the commissioner of public health or his agents or to the local

health department which is conducting the screening program except by permission of the parents or guardian of any child or adolescent who has been screened. Information on the results of any particular screening program shall be limited to notification to the parents or guardian of the result if the person screened is under the age of eighteen or to said person himself if he is over the age of eighteen. The results may be used otherwise only for collective statistical purposes.

Approved October 24, 1973.

Chap. 947. AN ACT CLARIFYING THE LAW PLACING CERTAIN EMPLOYEES OF MUNICIPAL GAS AND ELECTRIC PLANTS IN GROUP 4 OF THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

Group 4 of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws is hereby amended by inserting after the word "electric", in line 18, as appearing in section 2 of chapter 809 of the acts of 1972, the words: — generating or distribution.

Approved October 24, 1973.

Chap. 948. AN ACT TO INSURE HIGH QUALITY EMERGENCY MEDICAL CARE THROUGH REGULATION OF AMBULANCES AND AMBULANCE SERVICES.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 111B the following chapter: —

Chapter 111C.

EMERGENCY MEDICAL CARE.

Section 1. For the purpose of this chapter the following definitions shall apply unless the context or subject matter requires a different interpretation: —

"Ambulance", means any aircraft, boat, motor vehicle, or any other means of transportation, including a dual purpose vehicle, however named, whether privately or publicly owned, which is intended to be used for, and is maintained and operated for, the transportation of sick, injured or disabled individuals.

"Ambulance service", means the business or regular activity, whether for profit or not, of transporting sick, injured or disabled individuals by ambulance.

"Board", means the emergency medical care advisory board established under section seven.

"Commissioner", means the commissioner of public health.

"Company", means a corporation, a partnership, a business trust, an association, or an organized group of persons, whether incor-

porated or not; or any receiver, trustee, or other liquidating agent of any of the foregoing while acting in such capacity.

"Department", means the department of public health.

"Dual purpose vehicle", means a vehicle which is used for ambulance service even though it is also used for other purposes, including police and fire purposes.

"Person", means an individual, a company, or an agency or political subdivision of the commonwealth.

The department may define in regulations any term used in this chapter, provided that such definition is not contrary to a provision of the general laws.

Section 2. For the administration and enforcement of this chapter, the department may: —

(1) establish and enforce rules and regulations for the establishment and maintenance of ambulance services and for the maintenance and operation of ambulances, including but not limited to rules and regulations governing ambulance personnel, safety, sanitation, equipment, communications, medical supplies and records;

(2) establish fees for the issuance and renewal of licenses and certificates of inspection;

(3) make such reasonable classifications of ambulances, by type of vehicle and purpose, and ambulance services, by nature and scope of service, as it finds necessary or appropriate in the public interest;

(4) determine the need for and to plan for the distribution of ambulances and ambulance services in the commonwealth;

(5) inspect at any time any ambulance and any facilities and records maintained in connection with any ambulance service, provided that a license has been issued, or an application for a license has been filed, for such ambulance service;

(6) approve courses in emergency medical care for ambulance operators and attendants under such conditions as it may establish with the advice of the board;

(7) develop a cost-sharing program between local, state and federal governments and voluntary private funding for training of ambulance operators and attendants and purchase of ambulances;

(8) coordinate on a regional basis communications centers, ambulance services, hospital emergency services, law enforcement and fire units and emergency operation centers and facilitate hospital transfers of patients;

(9) subject to the provisions of section three, make rules and regulations regarding adequate insurance coverage for licensed ambulance services and for operators and attendants of certified ambulances;

(10) make rules, regulations, and orders, and delegate authority to its divisions, employees and agents, as may be necessary or appropriate to carry out the provisions of this chapter.

The department shall not establish the requirements as specified in clause (1) and shall not establish conditions for approval of

courses as specified in clause (6) until the board has been provided a reasonable opportunity to review and make recommendations on such requirements and conditions.

Section 3. Any person who proposes to establish or maintain an ambulance service shall file an application with the department, containing such information as the department may require, including but not limited to the identity of the applicant, and any parent or associated company, and the number of ambulances for which application is made.

Upon receipt and review of an application for a license, the department shall issue a license if it finds that the applicant is responsible and suitable to establish or maintain the proposed service and meets such requirements as the department may establish by regulation for an ambulance service license. On or after July first, nineteen hundred and seventy-seven no original or renewal license shall be issued hereunder except in the case of ambulance services owned or operated by an agency or political subdivision of the commonwealth unless the applicant has received and there is in effect a contract of insurance conforming to the rules and regulations established by the department, subject to the provisions of chapter one hundred and seventy-five.

In the case of a renewal application, the department may, subject to such regulations as it may make, issue a provisional license to an applicant who does not meet the requirements under this section, provided that the applicant has demonstrated to the department's satisfaction a good faith intention to meet such requirements, and, provided further, that the department finds that the licensee provides adequate emergency medical care and evidences a potential for full licensure within a reasonable period, not to exceed six months. The department, however, shall in no case issue a person more than two consecutive provisional licenses for the same ambulance service.

The department shall set forth in every license which it issues under this section the name and address of the person to whom such license is issued, the period for which such license is issued, the classification, if any, for which such license is issued, the number and classification of ambulances to be operated under the license, the conditions as to transfer and assignment prescribed by law, and such other terms of issuance as the department may, in the public interest, prescribe as necessary or appropriate. The department shall fix the period of a provisional license for no more than six months, and it shall fix the period of a full license for not less than twelve months nor more than fifteen months.

Section 4. Prior to issuing a license under section three, the department shall inspect each ambulance for which application is made. Each person to whom a license is issued shall be entitled to a certificate of inspection for each ambulance listed in his license upon proof that the ambulance is in compliance with such requirements as the department may establish by regulation for a certificate of inspection. Each certificate shall be valid only for the vehicle

for which it is issued and to the licensee to whom it is issued, and no certificate shall continue in force after the expiration of the license under which it is issued. Each licensee issued a certificate shall cause such certificate to be displayed in such ambulance in such manner as the department may prescribe by regulation.

Section 5. Any licensee who desires a change in his allotted number of ambulances or other license modification shall file a request in writing therefor with the department. The department shall not grant such request unless it finds that the modification requested is in the public interest, and in the case of modification involving a substantial change in the nature and scope of the ambulance service, that such change serves a need for emergency medical care. If a licensee so desires, he may file a request for license modification as part of a renewal application under section three, and the department shall consider, and act upon, such request and the application at the same time.

No licensee shall transfer or assign in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any company, the license issued him, or any rights thereunder, without first obtaining the department's written permission upon application to the department. Every application therefor shall contain such information as the department may require, and shall be disposed of within sixty days of filing with the department. The department shall grant written permission only if the department finds that the transferee or assignee is responsible and suitable to maintain an ambulance service and meets such requirements as the department has established by regulation for a license. Every denial order shall include a statement of the reasons for denial and the provisions of law relied upon, and shall be subject to judicial review through a petition for a writ of certiorari brought within thirty days thereof under the provisions of section four of chapter two hundred and forty-nine. Any transfer or assignment in violation of this section shall be void.

Section 6. No person shall operate an ambulance or be an attendant thereon unless he has successfully completed a full course in emergency medical care approved by the department pursuant to this chapter, or has received training in the provision of emergency medical care which, subject to such regulations as the department may establish with the advice of the board, the department finds to be substantially equivalent to that provided by full courses in emergency medical care approved by the department pursuant to this chapter, and unless in each year following completion of such course he participates satisfactorily in a supplemental course in emergency medical care approved by the department pursuant to this chapter; provided, however, that the department may, under such regulations as it may establish, grant a temporary waiver of such requirements, but only in the case of an operator and for no more than three months, upon application and upon a finding that the public convenience and necessity require such a waiver.

For the purpose of establishing training requirements under this section, the department shall classify ambulance services by such categories as dual purpose vehicles, municipally-operated services, volunteer services, or such others as the department may from time to time determine, and shall, with the board, establish training requirements for operators and attendants by class of service. In establishing the level of such requirements for each service, the department shall consider such factors as geographic location of the service, availability of approved training courses, source and compensation for personnel serving as ambulance operators and attendants, and financial impact on the licensee.

Section 7. There shall be within the department an emergency medical care advisory board, consisting of the commissioner or his designee, as chairman, the registrar of motor vehicles, or his designee, the commissioner of public safety, or his designee, the commissioner of the metropolitan district commission, or his designee, the chief executive officer, or his designee, of each regional comprehensive health planning agency designated pursuant to the federal Public Health Service Act (P.L. 89-749), and twenty-one members appointed by the commissioner as follows: — three from the Massachusetts Medical Society; one each from the Massachusetts Nurses Association, the Massachusetts Hospital Association, the Massachusetts Ambulance Association, the Massachusetts Heart Association, the American Red Cross, the Massachusetts League of Cities and Towns, the Massachusetts Chiefs of Police Association, and the Massachusetts Fire Chiefs Association; one from the volunteer ambulance associations; three at large from organizations involved in the planning for, provision of or training for emergency medical care, including any of the organizations listed above; a representative of the Governor's Highway Safety Bureau; one person who shall be an expert in communications; one person who shall be an attorney; and three who shall be consumers. Additional members may be appointed to the board by the commissioner upon recommendation of a majority of the board.

Each appointed member of the board shall serve for a term of three years, or until his successor is appointed and qualified, whichever is longer; provided, however, that no appointee shall serve more than two consecutive terms. Appointees shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

The board shall, in addition to other powers conferred in this chapter and in addition to functioning in a general advisory capacity shall assist in coordinating the efforts of all persons and agencies in the commonwealth concerned with emergency medical care; and render advice on the development of emergency medical care services where needed. The board shall make an annual report to the commissioner on or before the thirtieth day of June each year.

Section 8. The department shall establish and implement procedures for the making, transmission, and investigation of complaints concerning the maintenance of any ambulance service. The depart-

ment shall prepare, and make available upon request, a description of such procedures, and it shall, as the public interest may require, investigate every complaint received, except to the extent that the act or practice complained of does not constitute a violation of this chapter or any regulation under this chapter. Upon investigation the department shall notify the complainant, if known, of its action in the matter. If it finds that an investigation is not required, it shall notify the complainant, if known, of its finding and the reasons therefor.

Section 9. (a) Whenever the department finds upon inspection, or through information in its possession, that an ambulance is not in compliance with a requirement established under this chapter, the department may order the licensee to correct such deficiency. Every such correction order shall include a statement of the deficiencies found, the period prescribed within which the deficiency must be corrected, and the provisions of law relied upon. The period prescribed shall be reasonable and, except in an emergency declared by the commissioner, not less than thirty days from receipt of such order. Within seven days of receipt, the affected licensee may file a written request with the department for administrative reconsideration of the order or any portion thereof. Failure of the department to grant, deny, or otherwise act upon a written request within seven days of filing shall be deemed a denial of such request.

(b) The department may assess a licensee ordered to correct deficiencies fifty dollars per deficiency for each day the deficiency continues to exist beyond the date prescribed for correction. Before making an assessment, the department shall give the affected licensee notice of the matters alleged and the provisions of law relied upon and shall accord such licensee an opportunity for a hearing upon timely written request. If after hearing, or waiver thereof, the department determines that cause exists, it shall make an appropriate assessment. The affected licensee shall pay such assessment except to the extent that, upon judicial review, the reviewing court may reverse the final decision of the department.

(c) An assessment made under this section shall be due and payable to the commonwealth on the thirtieth day after notification to the affected licensee. The attorney general shall recover any assessment due and payable in an action of contract, or any other appropriate action, suit or proceeding, brought in the name of the commonwealth in the superior court. Upon the motion of the attorney general, such court may consolidate for hearing and decision a judicial review proceeding and an assessment collection proceeding if the proceedings result from the same administrative action.

Section 10. The department may, after hearing or waiver thereof, revoke or refuse to renew a certificate of inspection or license for failure to perform such requirements as set forth in such certificate or license, for violation of any applicable requirement prescribed under this chapter, for violation of a correction order, or for

engaging in, or for aiding, abetting, causing, or permitting, any act prohibited under this chapter. The commissioner may, without heading, suspend a certificate of inspection or license if he finds that the licensee concerned is operating or maintaining the ambulance subject to such certificate, or is maintaining the ambulance service subject to such license, in a manner which endangers the public health or safety; provided, however, that in every case of suspension the licensee shall be promptly afforded an opportunity for a hearing under this section. If after any hearing hereunder concerning a license, the department determines that cause exists, instead of revoking or refusing to renew such license, the department may issue an order modifying the license if it finds that the public interest would be better served by such action. No certificate of inspection under a licensee shall continue in force after the department has revoked or refused to renew such license.

Section 11. The attorney general, at the request of the department, shall, or any ten taxpayers of the commonwealth, may bring a bill in equity in the superior or supreme judicial court to enforce compliance with this chapter or any rule, regulation, or order made under this chapter, whenever it shall appear that any person has engaged in, or is about to engage in an act or practice in violation of this chapter or any rule, regulation, or order made under this chapter, or whenever it shall appear that any person has aided, abetted, caused, or permitted, is aiding, abetting, causing, or permitting, or is about to aid, abet, cause, or permit any such act or practice. Upon a bill brought hereunder, the superior court or supreme judicial court, as the case may be, shall have jurisdiction to grant temporary relief and, upon hearing, a permanent injunction, which shall be mandatory in form, if appropriate, provided, however, that, where a bill is brought by ten taxpayers of the commonwealth, no permanent injunction shall be issued until the department has been permitted to intervene as a party, if it so desires, or to submit an amicus brief to the court. Any ten taxpayers filing a bill in equity hereunder shall serve a copy thereof upon the department on the same day as such filing.

Section 12. No person shall: —

(1) establish or maintain an ambulance service without a valid license or in violation of the terms of a valid license;

(2) operate, maintain, or otherwise use any aircraft, boat, motor vehicle, or other means of transportation as an ambulance without a valid certificate of inspection;

(3) operate an ambulance or to serve as an attendant thereon in violation of section six;

(4) obstruct, bar, or otherwise interfere with an inspection undertaken under authority of this chapter;

(5) knowingly to make an omission of a material fact or a false statement in any application or other document filed with the department; or

(6) violate or fail to observe any requirement of this chapter, or of any rule, regulation, or order under this chapter, which re-

The Commonwealth of Massachusetts
Advance copy 1973 Acts and Resolves
JOHN F. X. DAVOREN, *Secretary of the Commonwealth*

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quirement the department has made subject to this section by regulation.

Whoever engages in, aids, abets, causes, or permits any act prohibited under this section shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars for each offense. A separate and distinct offense shall be deemed to have been committed on each day during which any prohibited act continues after written notice by the department to the offender. The commissioner shall report each suspected offense to the attorney general for investigation and, if appropriate, prosecution in the courts of the commonwealth.

Section 13. No physician duly registered under the provisions of sections two, two A or nine of chapter one hundred and twelve, and no nurse duly registered under the provisions of section seventy-four or section seventy-six of said chapter, and no hospital shall be liable in a suit for damages as a result of acts or omissions related to advice, consultation or orders given in good faith to ambulance operators and attendants who are qualified under section six, and are acting on behalf of an ambulance service duly licensed under section three, by radio, telephone or other remote means of communication under emergency conditions and prior to arrival of the patient at the hospital, clinic, office or other health facility from which the emergency communication to the ambulance operator or attendant is made; nor shall any said ambulance operator or attendant be liable in a suit for damages as a result of his said acts or omissions based upon said advice, consultation or orders by remote communication, if the said acts or omissions were made in good faith.

SECTION 2. The department of public health shall, subject to such rules and regulations as it may establish, issue a license for a period of two years to an applicant who is operating or maintaining an ambulance service on the effective date of this act. In the case of such an applicant who does not meet the requirements established under section three of chapter one hundred and eleven C of the General Laws, inserted by section one of this act, such license shall be issued only if the applicant has demonstrated to the department's satisfaction a good faith intention to meet such requirements and said department finds that the applicant provides adequate emergency medical care.

SECTION 3. Of the members first appointed to the emergency medical care advisory board established under section seven of chapter one hundred and eleven C of the General Laws, inserted by section one of this act, seven shall be appointed for a term of one year, seven shall be appointed for a term of two years, and seven shall be appointed for a term of three years.

SECTION 4. Paragraph (3) of section twelve of chapter one hundred and eleven C of the General Laws, inserted by section one of this act, shall not take effect until July first, nineteen hundred and seventy-seven, provided, that under the authority conferred under section two of said chapter, the department may require

prior to July first, nineteen hundred and seventy-six, that no more than two thirds of the operators and attendants employed by an ambulance service be in compliance with the training requirements of section six of said chapter, and it may require prior to July first, nineteen hundred and seventy-five, that no more than one third of such operators and attendants be in compliance with said training requirements. For purposes of this section, the department may treat classes of operators and attendants separately in the event that it establishes different training requirements for each class.

SECTION 5. The provisions of section seven F of chapter ninety of the General Laws shall not be applicable to operators and attendants who are subject to the provisions of section six of chapter one hundred and eleven C of the General Laws. Said section seven F of said chapter ninety is repealed effective as of July first, nineteen hundred and seventy-seven.

SECTION 5A. Nothing in this act shall limit the number of private ambulances which may be owned by any individual or corporation; provided, that said individual or corporation meets all standards and requirements as set forth in this act.

SECTION 6. Section eight B of chapter one hundred and eleven of the General Laws is hereby repealed.

Approved October 24, 1973.

Chap. 949. AN ACT INCREASING THE PENALTIES FOR THE VIOLATION OF A CITY ORDINANCE IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

Clause 4 of section 17 of chapter 240 of the acts of 1899 is hereby amended by striking out, in line 2, the word "twenty" and inserting in place thereof the word: — fifty. *Approved October 24, 1973.*

Chap. 950. AN ACT VALIDATING THE LOCATION OF CERTAIN GAS PIPES, MAINS, LINES AND OTHER EQUIPMENT OF THE BOSTON GAS COMPANY, THE LYNN GAS COMPANY, THE MYSTIC VALLEY GAS COMPANY, AND THE NORTH SHORE GAS COMPANY.

Be it enacted, etc., as follows:

SECTION 1. All locations of the pipes, mains and lines for the transmission and distribution of gas actually in place on the date of concurrence by the department of public utilities as hereinafter provided and erected or acquired by the Boston Gas Company, the Lynn Gas Company, the Mystic Valley Gas Company and the North Shore Gas Company, upon, under, along or across the highways, reservations, land, waterways and tidewaters of the commonwealth, the boulevards and reservations of the metropolitan district commission and the public ways, streets and places of the cities and towns of Abington, Acton, Arlington, Ayer, Bedford, Belmont,



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Russell B. Higley
City Solicitor

Date September 20, 1976

From Paul E. Healy
City Clerk

Reference

Subject Emergency Medical Care as defined by Chapter 111C G. L.

Please be advised that at a recent meeting of the City Council, Councillor Sullivan requested that you review Chapter 111C of the General Laws (copy enclosed) in order to determine if our Rescue Squad would be in compliance with the new guidelines, and if not, to prepare the appropriate petition to the Great and General Court to exempt our Rescue from these guidelines. As you know, the Fire Rescue Squad is a vital lifesaving tool which the City Council wants to keep operative.

Thank you for your cooperation in this matter.

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