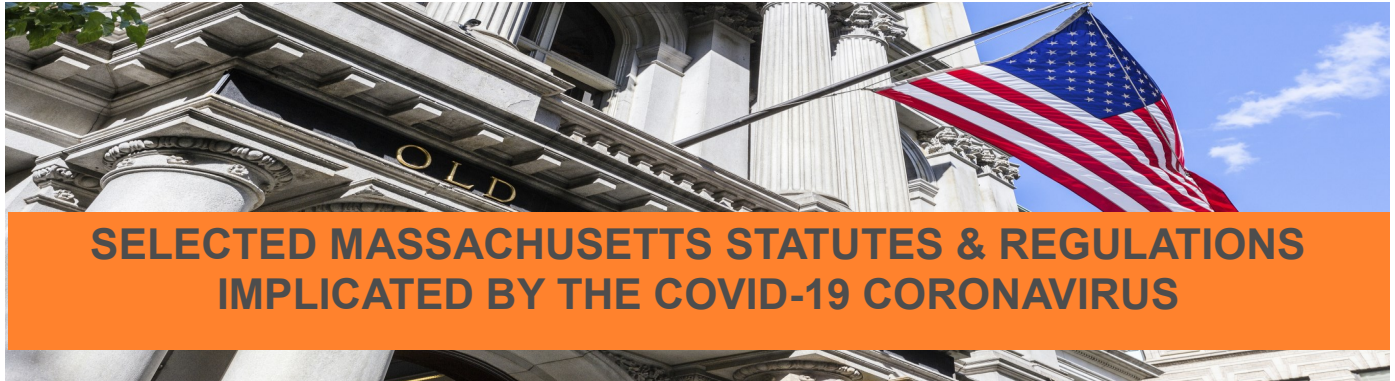




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M.G.L. c. 111, § 6 – Power of DPH to Define Dangerous Diseases

DPH shall have the power to define “what diseases shall be deemed to be dangerous to the public health” and shall issue regulations “for the control and prevention of such diseases as it deems advisable for the protection of the public health.”

M.G.L. c. 111, § 95 – Powers and Duties of Board of Health

Board of health may cause sick or infected person to be removed to a hospital; otherwise the house or place in which the person remains shall be considered a hospital, and all persons residing in or in any way connected therewith shall be subject to the regulations of the board. If the board of health deems it necessary to require a “resident wage earner” to remain within his house, “he shall receive from such town during the period of his restraint compensation to the extent of three fourths of his regular wages; provided, that the amount so received shall not exceed two dollars for each working day.”

M.G.L. c. 111, § 104 – Prevention of Spread of Infection

If a disease dangerous to the public health exists in a town, “the selectmen and board of health *shall use all possible care to prevent the spread of the infection* and may give notice of infected places by such means as in their judgment may be most effectual for the common safety.” (Emphasis added).

M.G.L. c. 111, § 106 – Travelers from Infected Places

Board of health in town near to or bordering adjoining state may appoint inspectors to examine travelers “suspect[ed] of bringing any infection dangerous to the public health” into the Commonwealth from infected places and, if necessary, “restrain them from traveling” pending permission from traveler’s home town board of health.

M.G.L. c. 111, § 109 – Notice of Infection to Board of Health

If family member or person in house is infected with a disease dangerous to the public health, householder “shall forthwith give notice thereof to the board of health of the town where such householder dwells, unless a physician is in attendance.” Upon removal of such person, householder “shall disinfect [premises] to the satisfaction of the board,” or board, in its discretion, may disinfect premises at town expense.

Selected Massachusetts Statutes & Regulations Implicated by the COVID-19 Coronavirus

M.G.L. c. 111, § 111C – Unprotected Exposure Form

Any person, including a police officer, fire fighter or EMT, who attends, assists or transports a person to a health care facility and, in so doing, “sustains an unprotected exposure capable of transmitting an infectious disease dangerous to the public health ...,” shall immediately complete a standardized trip form or DPH unprotected exposure form to be submitted to the facility. See 105 CMR 172.002. The definition of “unprotected exposure,” however, is limited to puncture wounds, blood to blood contact, and mucous membrane contact. 105 CMR 172.001.

M.G.L. c. 111, § 112 – Notice to DPH

Upon notice of any case in town of a disease dangerous to the public health, the board of health shall notify the DPH within 24 hours, “stating the name and the location of the patient so afflicted”

M.G.L. c. 111, § 113 – Board of Health Records

Board of health shall keep records of all reports of persons in town afflicted with a disease dangerous to the public health. Board of health shall also give information to the school committee of all diseases dangerous to the public health reported to it.

M.G.L. c. 111, § 115 – Recovery of Expenses

Town may recover in contract expenses incurred for the preservation of the public health “for which any person is liable.”

M.G.L. c. 111, § 122 – Board of Health Examinations

Board of health “shall examine into all ... causes of sickness within its town ... which may, in its opinion, be injurious to the public health”

M.G.L. c. 71, § 55 – Exclusion of Infected Students

Board of health, by regulation, may preclude a child infected with a disease dangerous to the public health, or who resides in a household where a person is so infected, from attending public school.

M.G.L. c. 71, § 55A – Sick Students

“A child showing signs of ill health or of being infected with a disease dangerous to the public health ... shall be sent home immediately, or as soon as safe and proper conveyance can be found, or shall be referred to a school physician, who may direct that such child be sent home.” The school superintendent shall immediately notify the board of health of any child excluded by reason of any disease dangerous to the public health.

105 CMR 172.007 – DPH Declaration of Infectious Disease

In addition to infectious diseases dangerous to the public health as defined in 105 CMR 172.001, the Commissioner may declare, for a period not to exceed 12 months, “other infectious diseases newly recognized or recently identified as infectious diseases dangerous to the public health and subject to the provisions of 105 CMR 172.000.”

105 CMR 300.200 – Isolation and Quarantine Requirements

Upon the report of a case or suspected case of a disease declared dangerous to the public health, the board of health is authorized to implement and enforce the isolation and quarantine requirements set forth in 105 CMR 300.200. Depending on the circumstances related to the specific exposure, case and/or contact, “additional control measures may be required.” Standard precautions should be followed when treating all patients and contacts. The DPH adopts, by reference, the standard practices of infection control as set forth in the most current version of the CDC guidelines.

105 CMR 300.190 – Surveillance and Control of Diseases

Board of health is authorized “to conduct surveillance and control activities necessary for the investigation, monitoring, control and prevention of diseases dangerous to the public health,” including, but not limited to, investigating existence of diseases to formulate prevention and control measures, counseling and interviewing individuals to identify exposures and to develop information relating to the source and spread of the disease, and monitoring the medical condition of individuals diagnosed with or exposed to the disease.

About PDP

Pierce Davis & Perritano’s attorneys have defended more than 300 cities, towns, counties and school districts in Massachusetts and Rhode Island, as well as their officers and employees in actions arising out of the performance of public duties, including those duties involving land management, zoning, planning, public works, police protection and student discipline.

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