

HOUSE No. 1935

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen L. DiNatale

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 improve patient access to medical records upon a physician's death.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 1935

By Mr. DiNatale of Fitchburg, a petition (accompanied by bill, House, No. 1935) of Stephen L. DiNatale and others for legislation to improve patient access to medical records upon a physician's death. Public Health.

The Commonwealth of Massachusetts

An Act to improve patient access to medical records upon a physician's death.

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 70 of chapter 111 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting after the word "herein", in line 75, the following
3 paragraph:-

4 If a person certified to practice medicine under section 2 of chapter 12 dies and has not
5 transferred his or her patient records to another person certified to practice medicine under said
6 chapter and has not made provisions for a transfer of patient records to occur upon the person's
7 death, a personal representative of the person's estate shall so notify the board within 30 days of
8 the person's death. The personal representative shall also notify the person's patients of record
9 by publishing a notice to that effect in a newspaper of daily circulation in the area where the
10 person practiced. The notice must be published at least 1 time per month over a 3-month period
11 after the person's death and must explain how a former patient can procure the patient's patient
12 records. All former patients who have not requested their records 30 days after such publication
13 must be notified by first class mail by the personal representative of the estate to permit the
14 patients to procure their records. The actual cost of postage or shipping may be charged to the
15 patient if the records are mailed. Any patient records that have not been procured within 7 years
16 after the death of the person may be permanently disposed of in a manner that ensures
17 confidentiality of the records. The board is hereby authorized and directed to develop and
18 implement, without cost to the commonwealth, a plan to improve patient access to medical
19 records upon a physician's death, consistent with this section.