SENATE DOCKET, NO. 1225 FILED ON: 1/16/2015

SENATE . . . . . No. 597

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 adoption of the accompanying bill:

An Act to safeguard access to patient medical records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	*Norfolk, Bristol and Plymouth*

SENATE DOCKET, NO. 1225 FILED ON: 1/16/2015

SENATE . . . . . No. 597

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 597) of Brian A. Joyce for legislation to safeguard access to patient medical records. Health Care Financing.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to safeguard access to patient medical records.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 93 of the General laws is hereby amended by adding the following section:-

Section 115. (a) As used in this section, "health care provider" shall mean, unless the context clearly requires otherwise, a person or entity providing medical care or services, including, but not limited to, physicians, surgeons, therapists, dentists, nurses, optometrists, chiropractors, psychologists and podiatrists.

(b) A provision in a contract regarding the storage, maintenance, conversion, digitization or usage of patient medical records that authorizes a person or entity other than the patient to whom the medical records refer, or that patient's authorized representative, to deny a health care provider access to the patient's medical records shall be void and unenforceable as contrary to public policy. A waiver by a health care provider of this section shall be deemed void and unenforceable as contrary to public policy.

12 (c) Willfully denying or threatening to deny a health care provider access to the electronic
13 medical records of its patient, except as otherwise authorized by law, shall constitute an unfair or
14 deceptive act or practice under chapter 93A.