

SENATE No. 200

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 Clarify and Enhance Privacy Protections for Electronic Health Records..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Susan C. Tucker</i>	<i>Second Essex and Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Anthony D. Galluccio</i>	<i>Middlesex and Suffolk</i>
<i>Sonia Chang-Díaz</i>	<i>Second Suffolk</i>
<i>Geraldo Alicea</i>	<i>6th Worcester</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>

SENATE No. 200

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 200) of Marc R. Pacheco, Byron Rushing, Harriette L. Chandler, Kay Khan and other members of the General Court for legislation to clarify and enhance privacy protections for electronic health records. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act To Clarify and Enhance Privacy Protections for Electronic Health Records..

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. The third paragraph of subsection (d) of section 6D of chapter 40J of the
2 General Laws is hereby amended by striking clause (v) and inserting in place thereof the
3 following clause:—

4 (v) give patients the option of allowing only designated health care providers to
5 disseminate their individually identifiable health information to any statewide interoperable
6 electronic health records network or statewide health information exchange;

7 SECTION 2. Section 6F of chapter 40J of the General Laws is hereby amended by
8 striking the first paragraph and inserting in place thereof the following paragraph:—

9 Any plan for a statewide interoperable electronic health records network or statewide
10 health information exchange approved by the health information technology council and every

grantee and implementing organization that receives monies for the adoption of health information technology from the E-Health Institute Fund or pursuant to this chapter shall:

SECTION 3. Said section 6F of chapter 40J of the General Laws, as appearing in section 4 of chapter 305 of the acts of 2008, is hereby further amended by inserting after the word “accessed”, in line 396, the following words:— ; and (5) require every grantee and implementing organization funded in whole or in part by the E-Health Institute Fund to conduct privacy and security audits of any and all interoperable electronic health records networks, health information exchanges, and participating entities that maintain electronic health records for potential and actual privacy and security breaches by July 1 of each year. Each grantee and implementing organization shall report the results of the annual audit to the health information technology council by July 1. The council shall report within 30 days to the Attorney General any audit result that indicates a violation of the rules and regulations adopted by the health information technology council or Department of Public Health pursuant to this chapter.