

**SENATE . . . . . No. 2294**

---

**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Fourteen**  
—————

SENATE, Tuesday, July 22, 2014

The committee on Ways and Means, to whom was referred the House Bill relative to public health data sharing with the Boston Public Health Commission (House, No. 2070); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2294.

For the committee,  
Stephen M. Brewer

# SENATE . . . . . No. 2294

---

---

## The Commonwealth of Massachusetts

—  
In the Year Two Thousand Fourteen  
—

1           SECTION 1. Subsection (a) of section 1 of chapter 147 of the acts of 1995 is hereby  
2 amended by inserting after the word “prevention”, in line 6, the following words:- , public health  
3 surveillance.

4           SECTION 2. Section 2 of said chapter 147 is hereby amended by inserting after the  
5 definition of “Boston Specialty and Rehabilitation Hospital” the following definition:-

6           “Center”, the center for health information and analysis.

7           SECTION 3. Said section 2 of said chapter 147 is hereby further amended by inserting  
8 after the definition of “Commissioner of health and hospitals” the following definition:-

9           “Department”, the commonwealth’s department of public health.

10          SECTION 4. Said section 2 of said chapter 147 is hereby further amended by inserting  
11 after the definition of “Department of health and hospitals” the following definition:-

12          “Public health surveillance”, the ongoing, systematic collection, analysis, interpretation,  
13 and dissemination of data for use in planning, implementation and evaluation of public health  
14 programs and practices to reduce morbidity and mortality and to improve health.

15 SECTION 5. Clause (15) of subsection (a) of section 7 of said chapter 147 is hereby  
16 amended by striking out, in line 4, the word “and”.

17 SECTION 6. Clause (16) of said subsection (a) of said section 7 of said chapter 147 is  
18 hereby amended by striking out, in line 6, the word “act.” and inserting in place thereof the  
19 following words:- act; and

20 (17) notwithstanding any general or special law to the contrary, to receive, in a timely  
21 manner, confidential health data pertaining to the residents of the city from the department and  
22 the center only for the purposes of public health surveillance and the preparation of the annual  
23 assessment of public health needs of the city; provided, however, that in the receipt, use,  
24 maintenance and destruction of such health data, the commission shall be subject to the same  
25 laws providing for confidentiality and security of personal data as is the department or the center  
26 including, but not limited to, chapter 66A of the General Laws, chapter 93H of the General Laws  
27 and chapter 93I of the General Laws; provided further, that the commission shall not disclose the  
28 data received pursuant to this section, except in aggregate form; provided further, that any  
29 release of data to the commission by the center shall be subject to the requirements of section 12  
30 of chapter 12C of the General Laws; provided further, that for the purposes this section, the  
31 commission shall be considered a government agency as defined in section 1 of said chapter  
32 12C; provided further, that any public health surveillance activity which is also research shall be  
33 subject to the requirements for research using human subjects; provided further, that unless  
34 specified otherwise, data received: (i) shall be provided annually; (ii) shall not include social  
35 security numbers; (iii) shall be used for direct patient follow-up; (iv) shall include either the zip  
36 code or census tract of the individual case, to the extent such information is collected by the

37 department or center; and (v) shall include, but not be limited to, the following information about  
38 residents of the city:

39 (A) records of births and deaths, including separate data on fetal deaths and  
40 infant deaths in the city, including an address for each record, not later than June 1 of the year  
41 following the closure of each data set;

42 (B) case reports of venereal disease; provided, however, that such reports shall be  
43 submitted not more than 30 days after confirmation of the case by the department; provided  
44 further, that such case reports shall include the name, address, demographic, risk factor and  
45 treatment information, to the extent the information is available, for the purposes of surveillance,  
46 prevention and disease control activities and direct patient follow-up; and provided further, that  
47 direct patient follow-up by the commission shall be governed by a written agreement between  
48 the commission and the department;

49 (C) data from the behavioral risk factor surveillance system which shall be  
50 provided within 2 months of finalizing the data set;

51 (D) data from the commonwealth's cancer registry;

52 (E) data from the pregnancy risk assessment and monitoring system;

53 (F) data of hospital discharges;

54 (G) data of hospital observational cases; and

55 (H) data of hospital emergency room visits.