

SENATE No. 651

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

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: | |
|--------------------------|------------------------------|------------------|
| <i>Thomas M. McGee</i> | <i>Third Essex</i> | |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/30/2017</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/2/2017</i> |

SENATE No. 651

By Mr. McGee, a petition (accompanied by bill, Senate, No. 651) of Thomas M. McGee, Jason M. Lewis and Sal N. DiDomenico for legislation to safeguard access to patient medical records. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 597 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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:

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

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

6 (b) A provision in a contract regarding the storage, maintenance, conversion, digitization
7 or usage of patient medical records that authorizes a person or entity other than the patient to
8 whom the medical records refer, or that patient’s authorized representative, to deny a health care
9 provider access to the patient’s medical records shall be void and unenforceable as contrary to

10 public policy. A waiver by a health care provider of this section shall be deemed void and
11 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.