

SENATE No. 2600

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 relative to personal health information portability and accessibility.

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 2600

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr for legislation relative to personal health information portability and accessibility. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to personal health information portability and accessibility.

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 1 of Chapter 111 as appearing in the 2018 Official Edition is hereby
2 amended by inserting at the end thereof the following:-

3 “Hospital/Clinic” shall mean any health care provider as defined in this section,
4 including, but not limited to: Hospitals, Hospital systems, primary care physicians and internists,
5 urgent and/or acute care facilities, medical doctors of any specialty, psychiatric and/or
6 psychological doctors, licensed social workers or other mental health professionals and
7 therapists, dentists, oral surgeons, orthodontists, chiropractors, physical therapists, massage
8 therapists, speech therapists, paramedics and EMTs, or any other like or similar health care
9 provider or office.”

10 “Patient,” an individual who is receiving/has received care from a health care provider as
11 defined in this section and any legal guardian, legal representative, administrator/executor of the

12 patient's estate, attorney, power of attorney, health care proxy, guardian ad litem, conservator,
13 medical advocate, or other court appointed representative.

14 "Authorized Third Party," any individual, organization and/or other legal entity who are
15 not the patient as defined above but are contracted or with the patient or authorized in writing by
16 the patient

17 "Electronic Digital Media Storage Device," any disk, flash drive, thumb drive, or other
18 similar electronic file storage

19 SECTION 2. Section 70 of chapter 111 as appearing in the 2018 Official Edition is
20 hereby amended by striking in line 8-11 the following:- "These records may be handwritten,
21 printed, typed or in electronic digital media or converted to electronic digital media as originally
22 created by such hospital or clinic, by the photographic or microphotographic process, or any
23 combination thereof", and inserting in place thereof the following:- "These records must be kept
24 by secure, electronic digital media or converted to electronic digital media as originally created
25 by such hospital or clinic, by the photographic or microphotographic process, or any
26 combination thereof."

27 SECTION 3. Said section 70 of chapter 111 as appearing in the 2018 Official Edition is
28 hereby further amended by striking in lines 31-37 the following:- "which for the purposes of this
29 section shall mean a base charge of not more than \$15 for each request for a hospital or clinic
30 medical records; a per page charge of not more than \$.50 for each of the first 100 pages of a
31 hospital or clinic medical records that is copied per request; and not more than \$.25 per page for
32 each page in excess of 100 pages of a hospital or clinic medical record that is copied per request,
33 except that" and inserting in place thereof the following:- "As the records must be kept by

34 secure, electronic digital media, or converted to electronic digital media as originally created, the
35 hospital or clinic is not permitted to charge the patient as defined in section 1 of this chapter by
36 the page for the production of these records. Rather, a “reasonable fee” shall mean a base
37 administrative fee of not more than \$15 for each request for a hospital or clinic medical records,
38 plus the reasonable cost of the Electronic Digital Media Storage Device used to save the records
39 and provide same to the patient, not to exceed \$10 per device. In the event that the records are
40 requested by an authorized third party, the hospital or clinic may charge a base administrative fee
41 of not more than \$50, plus the reasonable cost of the Electronic Digital Media Storage Device
42 used to save the records and provide same to the third party, not to exceed \$10 per device.”