

SENATE No. 330

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 supporting physician autonomy and clinical judgment in personalized medical care.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 330

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 330) of Diana DiZoglio for legislation to support physician autonomy and clinical judgment in personalized medical care. Education.

The Commonwealth of Massachusetts

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

An Act supporting physician autonomy and clinical judgment in personalized medical care.

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 76 of the General Laws is hereby amended by striking out section 15 and
2 inserting in place thereof the following new section:-

3 Section 15: Vaccination and immunization

4 Section 15. No child shall, except as hereinafter provided, be admitted to school except
5 upon presentation of a physician's certificate that the child has been successfully immunized
6 against diphtheria, pertussis, tetanus, measles and poliomyelitis and such other communicable
7 diseases as may be specified from time to time by the department of public health.

8 A child shall be admitted to school upon certification (a "Medical Certification") by a
9 physician that the physician has personally examined the child and that in the physician's opinion
10 the totality of the child's medical circumstances is such that the child's health would be
11 endangered by such vaccination or by any of such immunizations. Such opinion may be based
12 upon such factors as are deemed relevant by the physician in the physician's independent medical

13 judgment including, among other factors, concerns regarding an increased risk of adverse events,
14 family history, or exacerbation of pre-existing medical conditions relating to the child. The
15 Medical Certification shall be submitted at the beginning of each school year to the physician in
16 charge of the school health program.

17 In the absence of an emergency or epidemic of disease declared by the department of
18 public health, no child whose parent or guardian states in writing that vaccination or
19 immunization conflicts with the parent or guardian's sincere religious beliefs shall be required to
20 present said physician's certificate in order to be admitted to school.

21 Medical Certifications shall be confidential, shall not be disclosed to any person outside
22 of the school health program, and shall not be admissible as evidence in any action of any kind
23 before any court, tribunal or agency without express, written consent of the child's parent or
24 guardian.

25 In the absence of manifest bad faith, a physician who provides a Medical Certification
26 shall not be subject to disciplinary action by any governing or licensing authority. Medical
27 Certifications may not be used to change or negatively affect a physician's rating or standing
28 with an employer, insurer, hospital affiliation or academic affiliation.