SENATE . . . . No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 protect life-saving electronic health records from reckless corporate greed and corruption.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	*Second Bristol and Plymouth*

SENATE . . . . No.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *193* OF 2023-2024.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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An Act to protect life-saving electronic health records from reckless corporate greed and corruption.

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 16 of chapter 6D of the General Laws, as appearing in the 2022

2   Official Edition, is hereby amended by inserting at the end of subsection (a) the following

3   clause:-

4   (9) assist consumers with questions or concerns relating to electronic health information

5   accessibility requirements established by section 7 of chapter 118I, and record and submit

6   reported violations of said section to the executive office of health and human services, the

7   attorney general, and the Office of the National Coordinator, as defined in section 1 of chapter

8   118I.

9   SECTION 2. Section 7 of chapter 118I of the General Laws, as so appearing, is hereby

10   amended by inserting at the end thereof the following paragraph:-

11   In order to ensure the seamless and secure access, exchange, and use of electronic health

12   information, all providers in the commonwealth shall comply with the requirements imposed by

13   the 21st Century Cures Act of 2016, P.L. 114-255, including, but not limited to, interoperability,

14   patient access through application programming interfaces, and prohibitions on information

15   blocking to health information technology developers, health information exchanges, health

16   information networks, and health care providers. The executive office, in consultation with the

17   commission, shall develop a standardized written notification form for providers to give to

18   patients, informing patients of their rights and obligations as it pertains to their electronic health

19   information and accessibility per federal and state law. Said notification forms may be provided

20   electronically to patients and shall inform said patients on how to report violations of electronic

21   health information access to the office of patient protection, established under section 16 of

22   chapter 6D.

23   The executive office of health and human services shall promulgate regulations to

24   prohibit the collection, capture, purchase, or transfer of electronic health information by third

25   party application programming interfaces without the express written consent of the patient.

26   Said written consent may be obtained by electronic means in a conspicuous and easy to read

27   format. Said regulations shall prohibit third party application programming interfaces from

28   disclosing, redisclosing, disseminating, selling, leasing, trading, or otherwise profiting from a

29   patient's electronic health information unless it is to provide direct data access to the patient with

30   their express written consent.

31   A violation of this section is punishable by a fine in accordance with section 8 of this

32   chapter and shall constitute an unfair or deceptive act in violation of chapter 93A.

33   SECTION 3. Section 8 of said chapter 118I is hereby amended by inserting after the

34   words "section 7" in the first sentence the following:- "; provided that violations involving

35   patient access to electronic health information, as reported by the commission's office of patient

36   protection, shall be no less than $1,000 per day per violation"

37   SECTION 4. This act shall take effect immediately upon its passage.