

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

William Smitty Pignatelli

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 passage of the accompanying bill:

An Act regarding hospital medical record retention requirements.

SECTION 1: Section 70 of chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the second and third sentences in the first paragraph and inserting in place thereof the following three sentences- Such records may be made in handwriting, in print, by typewriting, in electronic digital media or conversion to electronic digital media as originally created by such hospital or clinic, by the photographic or microphotographic process, or any combination of the same. Such hospital or clinic, may only destroy said records after the applicable retention period has elapsed upon notifying the department of public health that the applicable retention period has elapsed and the records will be destroyed. Such Hospital or Clinic shall further provide information through applicable provisions contained in the hospital or clinic notice of privacy practices that records will be terminated after the applicable retention period has elapsed since the last date of service.

SECTION 2: Section 70 of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the word "thirty" in the last sentence of the first paragraph and inserting in place thereof the word "fifteen" SECTION 3: Section 36 of Chapter 123 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following sentences- Each facility, subject to provisions of this chapter and Section 19 of Chapter 19, that provides mental health care and treatment shall maintain patient records, as defined in the first paragraph of section 70 of chapter 111, for at least fifteen years after closing of the record due to discharge, death, or last date of service. Such facility may destroy said records after the applicable retention period has elapsed upon notifying the department that the applicable retention period has elapsed and the records will be destroyed. Said facility shall further provide information through applicable provisions in the hospital or clinic notice of privacy practices that records will be terminated after the applicable retention period has elapsed since the last date of service. .

PETITION OF:

NAME:

William Smitty Pignatelli

DISTRICT/ADDRESS:

4th Berkshire

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2222 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING HOSPITAL MEDICAL RECORD RETENTION REQUIREMENTS.

SECTION 1: SECTION 70 OF CHAPTER 111 OF THE GENERAL LAWS, AS APPEARING IN THE 2004 OFFICIAL EDITION, IS HEREBY AMENDED BY STRIKING OUT THE SECOND AND THIRD SENTENCES IN THE FIRST PARAGRAPH AND INSERTING IN PLACE THEREOF THE FOLLOWING THREE SENTENCES- SUCH RECORDS MAY BE MADE IN HANDWRITING, IN PRINT, BY TYPEWRITING, IN ELECTRONIC DIGITAL MEDIA OR CONVERSION TO ELECTRONIC DIGITAL MEDIA AS ORIGINALLY CREATED BY SUCH HOSPITAL OR CLINIC, BY THE PHOTOGRAPHIC OR MICROPHOTOGRAPHIC PROCESS, OR ANY COMBINATION OF THE SAME. SUCH HOSPITAL OR CLINIC, MAY ONLY DESTROY SAID RECORDS AFTER THE APPLICABLE RETENTION PERIOD HAS ELAPSED UPON NOTIFYING THE DEPARTMENT OF PUBLIC HEALTH THAT THE APPLICABLE RETENTION PERIOD HAS ELAPSED AND THE RECORDS WILL BE DESTROYED. SUCH HOSPITAL OR CLINIC SHALL FURTHER PROVIDE INFORMATION THROUGH APPLICABLE PROVISIONS CONTAINED IN THE HOSPITAL OR CLINIC NOTICE OF PRIVACY PRACTICES THAT RECORDS WILL BE TERMINATED AFTER THE APPLICABLE RETENTION PERIOD HAS ELAPSED SINCE THE LAST DATE OF SERVICE. SECTION 2: SECTION 70 OF CHAPTER 111 OF THE GENERAL LAWS, AS SO APPEARING, IS HEREBY AMENDED BY STRIKING OUT THE WORD "THIRTY" IN THE LAST SENTENCE OF THE FIRST PARAGRAPH AND INSERTING IN PLACE THEREOF THE WORD "FIFTEEN" SECTION 3: SECTION 36 OF CHAPTER 123 OF THE GENERAL LAWS, AS SO APPEARING, IS HEREBY AMENDED BY INSERTING AT THE END THEREOF THE FOLLOWING SENTENCES- EACH FACILITY, SUBJECT TO PROVISIONS OF THIS CHAPTER AND SECTION 19 OF CHAPTER 19, THAT PROVIDES MENTAL HEALTH CARE AND TREATMENT SHALL MAINTAIN PATIENT RECORDS, AS DEFINED IN THE FIRST PARAGRAPH OF SECTION 70 OF CHAPTER 111, FOR AT LEAST FIFTEEN YEARS AFTER

CLOSING OF THE RECORD DUE TO DISCHARGE, DEATH, OR LAST DATE OF SERVICE. SUCH FACILITY MAY DESTROY SAID RECORDS AFTER THE APPLICABLE RETENTION PERIOD HAS ELAPSED UPON NOTIFYING THE DEPARTMENT THAT THE APPLICABLE RETENTION PERIOD HAS ELAPSED AND THE RECORDS WILL BE DESTROYED. SAID FACILITY SHALL FURTHER PROVIDE INFORMATION THROUGH APPLICABLE PROVISIONS IN THE HOSPITAL OR CLINIC NOTICE OF PRIVACY PRACTICES THAT RECORDS WILL BE TERMINATED AFTER THE APPLICABLE RETENTION PERIOD HAS ELAPSED SINCE THE LAST DATE OF SERVICE. .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows: