

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Moore, Richard (SEN)

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 Medical Record Retention Requirements

PETITION OF:

NAME:

Moore, Richard (SEN)

DISTRICT/ADDRESS:

Worcester and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01266 OF.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING MEDICAL RECORD RETENTION REQUIREMENTS.

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 70 of chapter 111 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the second and third sentences in the first
3 paragraph and inserting in place thereof the following three sentences-

4 Such records may be made in handwriting, in print, by typewriting, in electronic digital media or
5 conversion to electronic digital media as originally created by such hospital or clinic, by the
6 photographic or microphotographic process, or any combination of the same. Such hospital or
7 clinic may only destroy said records after the applicable retention period has elapsed upon
8 notifying the department of public health that the applicable retention period has elapsed and the
9 records will be destroyed. Such hospital or clinic shall further provide information through
10 applicable provisions contained in the hospital or clinic notice of privacy practices that records
11 will be terminated after the applicable retention period has elapsed since the last date of service.

12 SECTION 2: Section 70 of chapter 111 of the General Laws, as so appearing, is hereby
13 amended by striking out the word "thirty" in the last sentence of the first paragraph and inserting
14 in place thereof the word "ten".

15 SECTION 3: Section 36 of Chapter 123 of the General Laws, as so appearing, is hereby
16 amended by inserting at the end thereof the following sentences-

17 Each facility, subject to provisions of this chapter and Section 19 of Chapter 19, that provides
18 mental health care and treatment shall maintain patient records, as defined in the first paragraph
19 of section 70 of chapter 111, for at least fifteen years after closing of the record due to discharge,
20 death, or last date of service. Such facility may destroy said records after the applicable retention
21 period has elapsed upon notifying the department that the applicable retention period has elapsed
22 and the records will be destroyed. Said facility shall further provide information through
23 applicable provisions in the hospital or clinic notice of privacy practices that records will be
24 terminated after the applicable retention period has elapsed since the last date of service.