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By Mrs. Newman of Cambridge, petition of Jack R. Ewalt (Commissioner of Mental Health) relative to the records of patients in mental hospitals under the supervision of the Department of Mental Health. Public Welfare.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Four.

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AN ACT RELATIVE TO THE RECORDS OF PATIENTS IN  
MENTAL HOSPITALS UNDER THE SUPERVISION OF THE  
DEPARTMENT OF MENTAL HEALTH.

*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 70 of chapter 111 of the General Laws, as  
2 most recently amended by chapter 291 of the acts  
3 of 1945, is hereby further amended by inserting after  
4 the word "hospital" in line 18, the following:—  
5 except the records of hospitals under the control of  
6 the department of mental health, — so as to read as  
7 follows:— *Section 70.* Hospitals supported in whole  
8 or in part by contributions from the commonwealth  
9 or from any town, incorporated hospitals offering  
10 treatment to patients free of charge, and incorporated  
11 hospitals conducted as public charities shall keep  
12 records of the treatment of the cases under their care  
13 and the medical history of the same. Such records  
14 may be made in handwriting, or in print, or by type-  
15 writing, or by the photographic or microphotographic  
16 process, or by any combination of the same. When-  
17 ever pre-existing hospital records shall have been  
18 photographed or microphotographed and the photo-  
19 graphs or microphotographs shall have been duly

20 indexed and filed by the hospital, the person in charge  
21 of the hospital, upon notifying in writing the super-  
22 visor of public records referred to in chapter sixty-six,  
23 may destroy the original records so photographed or  
24 microphotographed, and such photographs or micro-  
25 photographs shall have the same force and effect as  
26 the original records from which they were made. Such  
27 records and similar records kept prior to April twenty-  
28 fifth, nineteen hundred and five, shall be in the custody  
29 of the person in charge of the hospital. Section ten of  
30 chapter sixty-six shall not apply to such records; pro-  
31 vided, that such records and similar records kept in  
32 the custody of the person in charge of the hospital,  
33 except the records of hospitals under the control of  
34 the department of mental health, may be inspected  
35 by the patient to whom they relate, or by his attorney  
36 upon delivery of a written authorization from the said  
37 patient, and a copy shall be furnished upon his request  
38 and the payment of a reasonable fee; and provided,  
39 further, that upon proper judicial order, whether in  
40 connection with pending judicial proceedings or other-  
41 wise, or, except in the case of records of hospitals  
42 under the control of the department of mental health,  
43 upon order of the head of the state department having  
44 supervision of such hospital, and in compliance with  
45 the terms of said order, such records may be inspected  
46 and copies furnished on payment of a reasonable fee.