

# SENATE . . . . No. 561

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To accompany the petition of Carl Dreyfus, president of the board of trustees of the Boston City Hospital, that provision be made for the installation of a system of keeping hospital records by photographic process and to dispose of certain hospital records. Public Health.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-One.

AN ACT TO PROVIDE FOR THE INSTALLATION OF A SYSTEM OF KEEPING HOSPITAL RECORDS BY PHOTOGRAPHIC PROCESS AND TO DISPOSE OF CERTAIN HOSPITAL RECORDS.

*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 seventy of chapter one hun-  
2 dred and eleven of the General Laws is hereby amended  
3 by inserting after the first sentence the following:—  
4 Such records may be made in handwriting, or in  
5 print, or by typewriting, or by the photographic  
6 or micro-photographic process, or by any combina-  
7 tion of the same. Whenever pre-existing hospital  
8 records shall have been photographed or micro-  
9 photographed and the photographs or micro-photo-  
10 graphs shall have been duly indexed and filed by the  
11 hospital, the person in charge of the hospital, upon  
12 notifying in writing the supervisor of records described  
13 in chapter sixty-six of the General Laws, may destroy

14 the original records so photographed or micro-photo-  
15 graphed, and the photographs or micro-photographs  
16 shall have the same force and effect as the original  
17 records from which they were made, — so that said  
18 section seventy, as amended, shall read as follows: —  
19 *Section 70.* Hospitals supported in whole or in  
20 part by contributions from the commonwealth or  
21 from any town, incorporated hospitals offering treat-  
22 ment to patients free of charge, and incorporated  
23 hospitals conducted as public charities shall keep  
24 records of the treatment of the cases under their  
25 care and the medical history of the same. Such  
26 records may be made in handwriting, or in print, or  
27 by typewriting, or by the photographic or micro-  
28 photographic process, or by any combination of the  
29 same. Whenever pre-existing hospital records shall  
30 have been photographed or micro-photographed and  
31 the photographs or micro-photographs shall have  
32 been duly indexed and filed by the hospital, the person  
33 in charge of the hospital, upon notifying in writing  
34 the supervisor of records described in chapter sixty-  
35 six of the General Laws, may destroy the original  
36 records so photographed or micro-photographed,  
37 and the photographs or micro-photographs shall  
38 have the same force and effect as the original records  
39 from which they were made. Such records and  
40 similar records kept prior to April twenty-fifth, nine-  
41 teen hundred and five, shall be in the custody of the  
42 person in charge of the hospital. Section ten of  
43 chapter sixty-six shall not apply to such records;  
44 provided, that upon proper judicial order, whether  
45 in connection with pending judicial proceedings or  
46 otherwise, or, except in the case of records of hospitals  
47 under the control of the department of mental dis-

48 eases, upon order of the head of the state department  
49 having supervision of such hospital, and in com-  
50 pliance with the terms of said order, such records  
51 may be inspected and copies furnished on payment  
52 of a reasonable fee.

1 SECTION 2. Chapter two hundred and thirty-  
2 three of the General Laws is hereby amended by  
3 striking out section seventy-nine and inserting in  
4 place thereof the following: —

5 *Section 79.* Records kept by hospitals under sec-  
6 tion seventy of chapter one hundred and eleven as  
7 amended by section one of this act, shall be admissible  
8 as evidence in the courts of the commonwealth so  
9 far as such records relate to the treatment and medical  
10 history of such cases; but nothing therein contained  
11 shall be admissible as evidence which has reference  
12 to the question of liability. Copies of photographic  
13 or micro-photographic records so kept by hospitals,  
14 when duly certified by the person in charge of the  
15 hospital, shall be admitted in evidence equally with  
16 the original photographs or micro-photographs.

1 SECTION 3. This act shall take effect upon its  
2 passage.

