

HOUSE No. 1418

By Mr. Capraro of Boston, petition of Charles W. Capraro relative to the keeping of records by hospitals, dispensaries or clinics and sanatoria. Public Health.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE KEEPING OF RECORDS BY HOSPITALS, DISPENSARIES OR CLINICS AND SANATORIA.

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

1 Chapter 111 of the General Laws is hereby amended by
2 striking out section 70, as most recently amended by chapter 604
3 of the acts of 1957, and inserting in place thereof the following
4 section:—

5 *Section 70.* Hospitals, dispensaries or clinics, and sanatoria
6 licensed by the department of public health, shall keep records
7 of the treatment of the cases under their care and the medical
8 history of the same. Such records may be made in handwriting,
9 or in print, or by typewriting, or by the photographic or micro-
10 photographic process, or any combination of the same. When-
11 ever pre-existing records shall have been photographed or micro-
12 photographed, and the photographs or microphotographs shall
13 have been duly indexed and filed, the licensee, upon notifying
14 in writing the supervisor of public records referred to in chapter
15 sixty-six, may destroy the originals records so photographed or
16 microphotographed, and such photographs or microphotographs
17 shall have the same force or effect as the original records from
18 which they were made. Such records and similar records kept
19 prior to April twenty-fifth, nineteen hundred and five, shall be
20 in the custody of the licensee. Section ten of chapter sixty-six
21 shall not apply to such records; provided, that such records and
22 similar records kept by the licensee may be inspected by the

23 patient to whom they relate, or by his attorney upon delivery
24 of a written authorization from the said patient, and a **type-**
25 **written** copy shall be furnished upon his request and payment
26 of a reasonable fee; and provided, further, that upon proper
27 judicial order, whether in connection with pending judicial pro-
28 ceedings or otherwise, or, except in the case of records of hospi-
29 tals under the control of the department of mental health, upon
30 order of the head of the state department which issues the license
31 and in compliance with the terms of said order, such records
32 may be inspected and **typewritten** copies furnished on payment
33 of a reasonable fee.