

SENATE No. 573

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 573) of Arthur Joseph Lewis, Jr., for legislation relative to departmental records of persons admitted to facilities of the Department of Mental Health, Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO DEPARTMENTAL RECORDS OF PERSONS ADMITTED TO ITS FACILITIES.

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 123 of the General Laws is hereby amended by striking
- 2 out section 36, as appearing in the 1984 Official Edition, and
- 3 inserting in place thereof the following section: —
- 4 Section 36. The department shall keep records of the admission,
- 5 treatment and periodic review of all persons admitted to facilities
- 6 under its supervision or the I.C.U. Such records shall be private
- 7 and not open to public inspection except (1) upon proper judicial
- 8 order whether or not in connection with pending judicial
- 9 proceedings, (2) that the commissioner shall allow the attorney
- 10 of a patient or resident to inspect records of said patient or resident
- 11 if requested to do so by patient, resident or attorney, and (3) that
- 12 the commissioner may permit inspection or disclosure when in the
- 13 best interests of the patient or resident as provided in the rules
- 14 and regulations of the department, provided, however, that the
- 15 Commissioner notify the patient or resident, of the release or
- 16 inspection of the records, or record profiles, of said patient or resi-
- 17 dent. Such notice shall be made ten days prior to the release or
- 18 inspection of said records or record profiles. This section shall
- 19 govern the patient records of the department notwithstanding any
- 20 other provision of law.

THE STATE OF MICHIGAN

IN SENATE, JANUARY 15, 1881.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
 IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
 ON THE 22D DAY OF FEBRUARY, 1879.

ALBANY: PRINTED BY G. W. WATSON, STATE PRINTER.
 1881.

Approved for publication by the Senate on the 15th day of January, 1881.

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