

HOUSE No. 2490

By Mr. Cass of Wakefield, petition of William F. Cass and other members of the General Court for legislation to regulate subpoenas of hospital medical records. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO SUBPOENAS OF HOSPITAL MEDICAL 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 70 of Chapter 111 of 1990 Official Edition of the
2 General Laws is hereby amended by inserting after the word
3 “subpoena” at line 38, the following: — or to the place of
4 deposition designated on the subpoena, subject to the rules of
5 procedure. Notwithstanding the preceding, information shall not
6 be disclosed pursuant to this section in violation of any privilege
7 held by any party under law. No hospital or clinic subject to this
8 section, or any agent, employee, administrator, officer, director,
9 trustee, official or other representative of such hospital or clinic
10 shall be held jointly or severably liable either personally or serving
11 in an institutional capacity, for disclosing information if such
12 disclosure was made in good faith. All such parties, provided that
13 they have operated in good faith shall be afforded total immunity
14 from civil or criminal liability from any party whatsoever, in
15 connection with fulfilling its obligation under this section, or in
16 accordance with any regulations promulgated in association
17 herewith.

