

# HOUSE . . . . . No. 3362

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By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi relative to the records of certain patients of psychotherapists. Health Care.

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## The Commonwealth of Massachusetts

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

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### AN ACT RELATIVE TO PATIENT 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 12CC of Chapter 112 of the General Laws, as inserted  
2 by Chapter 370 of the Acts of 1990, is hereby amended by adding  
3 at the end thereof the following: —

4 In the case of a psychotherapist the term “records” in this  
5 section shall mean, at the discretion of the psychotherapist, a copy  
6 of the patient’s treatment record maintained by such psychoth-  
7 erapist or a summary of the patient’s treatment; provided  
8 however, that the provisions of this section shall not apply if, in  
9 the reasonable exercise of his professional judgement, the  
10 psychotherapist believes the provision of such records would  
11 adversely affect the patient’s well-being. In such case, the  
12 psychotherapist shall make the treatment record or summary  
13 thereof available to either the patient’s attorney with the patient’s  
14 consent, such other psychotherapist as shall be designated by the  
15 patient, or such other responsible person so designated by the  
16 patient. For the purpose of this section the term “psychotherapist”  
17 shall mean any person defined as such by section twenty B of  
18 Chapter two hundred and thirty-three of General Laws or licensed  
19 pursuant to section eighty-four of Chapter thirteen of the General  
20 Laws.

