

By Mr. Kennedy of Brockton, petition of Peter Y. Flynn, Thomas P. Kennedy and another relative to providing for confidential transmission of medical information in jails, houses of correction and correctional institutions. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR CONFIDENTIAL TRANSMISSION OF MEDICAL INFORMATION IN JAILS, HOUSES OF CORRECTION AND CORRECTIONAL INSTITUTIONS.

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 8 of chapter 37 is hereby amended by
2 adding the following paragraph: —

3 Notwithstanding any law to the contrary, the sheriff, special
4 sheriff, superintendent of any jail or house of correction; the
5 administrator of any lock-up facility; or the commissioner of
6 correction, deputy commissioner of correction, associate
7 commissioner of correction or superintendent of a correctional
8 institution shall incur no personal liability for damages as a result
9 of acts or omissions related to policies or orders given in good
10 faith that result in any person becoming infected with a
11 communicable disease.

1 SECTION 2. Section 70F of chapter 111 of the General Laws
2 as appearing in the 1990 Official Edition is hereby amended by
3 inserting in line 6 after the word, "consent" the following
4 words: — except as indicated in section seventeen of chapter 127.

1 SECTION 3. Section 17 of chapter 127 of the General Laws
2 is hereby amended by adding the following two paragraphs: —

3 Notwithstanding any law to the contrary, the superintendent
4 of any jail, houses of correction, or correctional institution, or the

5 administrator of any lock-up or penal facility, shall have access
6 to any medical information relative to any communicable disease,
7 as that term is defined by the department of public health. Any
8 physician, laboratory, clinic, nurse, sanatorium, health official or
9 hospital that knows or has reason to know that a person with a
10 communicable disease is incarcerated in a lock-up, jail, or house
11 of correction shall furnish said medical information to the
12 superintendent or facility administrator.

13 Any such information received shall be confidential and shall
14 not be disclosed to anyone, not an employee of the holding
15 department. Those employees within the holding department who
16 may be informed shall be limited to persons who have direct and
17 actual contact with the prisoner.