

By Mr. Hynes of Marshfield, petition of Frank M. Hynes relative to the retention of medical records. Health Care.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT REGARDING MEDICAL RECORD RETENTION REQUIREMENTS.

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 70 of chapter 111 of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby amended by
3 deleting the third sentence in the first paragraph in its entirety and
4 replacing it with the following new sentence:— Such hospital or
5 clinic, may only destroy said records after the applicable retention
6 period has elapsed upon notifying either the supervisor of public
7 records referred to in chapter sixty-six that the applicable reten-
8 tion period has elapsed or through notifying the patient through
9 applicable provisions in the hospital or clinic’s notice or privacy
10 practices that records will be terminated after the applicable reten-
11 tion period has elapsed since the last date of contact.

1 SECTION 2. Section 70 of chapter 111 of the General Laws, as
2 so appearing, is hereby amended by deleting the word “thirty” in
3 the last sentence of the first paragraph and inserting in its place
4 the word “fifteen”.

1 SECTION 3. Section 36 of Chapter 123 of the General Laws,
2 as so appearing, is hereby amended by adding at the end thereof
3 the following new sentences—

4 Each facility, subject to provisions of this chapter and
5 Section 19 of Chapter 19, who provide mental health care and
6 treatment shall maintain records of individual patients for at least
7 fifteen years after closing of the record due to discharge, death, or
8 last contact. Such facility may destroy said records after the

9 applicable retention period has elapsed either upon notifying in
10 writing the supervisor of public records referred to in chapter
11 sixty-six or by notifying the patient through applicable provisions
12 in the facility's notice of privacy practices that records will be ter-
13 minated after the applicable the retention period has elapsed since
14 the last date of contact.

1 SECTION 4. Application of this Act

2 (a) Promulgation or amendment of regulations impacted by this
3 Act shall occur within 90 days of the effective date of this Act.