

SENATE No. 200

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act To Clarify and Enhance Privacy Protections for Electronic Health Records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Pacheco	First Plymouth and Bristol
Byron Rushing	9th Suffolk
Harriette L. Chandler	First Worcester
Kay Khan	11th Middlesex
Susan C. Tucker	Second Essex and Middlesex
James B. Eldridge	Middlesex and Worcester
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Sonia Chang-Díaz	Second Suffolk
Geraldo Alicea	6th Worcester
Gale D. Candaras	First Hampden and Hampshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act to clarify and enhance privacy protections for electronic health 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 1. The third paragraph of subsection (d) of section 6D of chapter 40J of the
2 General Laws is hereby amended by striking clause (v) and inserting in place thereof the
3 following clause:—

4 (v) give patients the option of allowing only designated health care providers to
5 disseminate their individually identifiable health information to any statewide interoperable
6 electronic health records network or statewide health information exchange;

7 SECTION 2. Section 6F of chapter 40J of the General Laws is hereby amended by
8 striking the first paragraph and inserting in place thereof the following paragraph:—

9 Any plan for a statewide interoperable electronic health records network or statewide health
10 information exchange approved by the health information technology council and every grantee
11 and implementing organization that receives monies for the adoption of health information
12 technology from the E-Health Institute Fund or pursuant to this chapter shall:

13 SECTION 3. Said section 6F of chapter 40J of the General Laws, as appearing in section
14 4 of chapter 305 of the acts of 2008, is hereby further amended by inserting after the
15 word “accessed”, in line 396, the following words:— ; and (5) require every grantee and
16 implementing organization funded in whole or in part by the E-Health Institute Fund to conduct
17 privacy and security audits of any and all interoperable electronic health records networks, health
18 information exchanges, and participating entities that maintain electronic health records for
19 potential and actual privacy and security breaches by July 1 of each year. Each grantee and
20 implementing organization shall report the results of the annual audit to the health information
21 technology council by July 1. The council shall report within 30 days to the Attorney General
22 any audit result that indicates a violation of the rules and regulations adopted by the health
23 information technology council or Department of Public Health pursuant to this chapter.