

HOUSE No. 2079

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 adoption of the accompanying bill:

An Act relative to creating a universal consent process to share sensitive health information between healthcare providers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/5/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/9/2021</i>

HOUSE No. 2079

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 2079) of Marjorie C. Decker, David Allen Robertson and Lindsay N. Sabadosa that public and private agencies, departments, corporations, provider organizations and licensed professionals receive mental health and substance use disorder information to utilize for treatment. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to creating a universal consent process to share sensitive health information between healthcare providers.

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. Chapter 6D of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended after Section 19 by adding the following new section: -

3 Section 20. The purpose of this section shall be to ensure that public and private agencies,
4 departments, corporations, provider organizations and licensed professionals receive mental
5 health and substance use disorder information to utilize for treatment.

6 The health policy commission, in consultation with the executive office of health and
7 human services and the division of insurance, shall develop a standard release form for
8 exchanging confidential mental health and substance use disorder information that shall be used
9 by all public and private agencies, departments, corporations, provider organizations and

10 licensed professionals involved with the treatment of an individual experiencing mental illness,
11 serious emotional disturbance, or substance use disorder.

12 All parties described in this subsection shall be required to use and accept the standard
13 release form created by the commission under this section for the purpose for which it was
14 created.

15 The commission shall comply with all federal and state laws relating to the protection of
16 individually identifiable health information and shall consider the following:

17 (a) Existing and potential technologies that could be used to securely transmit a standard
18 release form;

19 (b) The national standards pertaining to electronic release of confidential information,
20 including protecting a patient's identity and privacy in accordance with the health insurance
21 portability and accountability act of 1996;

22 (c) Any prior release forms and methodologies used in this Commonwealth; and

23 (d) Any prior release forms and methodologies developed by federal agencies.

24 The standard release form shall be available in both electronic and paper form.

25 The commission shall convene an advisory group to advise the commission on the
26 implementation of this section. The advisory group shall include the following fourteen
27 members: the director of the health policy commission or designee, who shall serve as chair, the
28 secretary of health and human services or designee, the director of the office of Medicaid or
29 designee, the commissioner of the division of insurance or designee, and representation from the
30 following seven organizations, the Association for Behavioral Healthcare, Blue Cross and Blue

31 Shield of Massachusetts, Health Law Advocates, Massachusetts Association of Health Plans, the
32 Massachusetts Health and Hospital Association, NAMI Massachusetts, Massachusetts
33 Organization for Addiction Recovery, the Massachusetts Bar Association Health Law Council
34 and the Parent Professional Advocacy League. The Governor shall also appoint one committee
35 member from a Massachusetts-based electronic health record vendor who specializes in
36 behavioral health care.

37 The commission shall complete all obligations under this section within six months of
38 enactment of this section.