

HOUSE No. 2982

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

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 maintaining confidentiality of proprietary information within health care.

PETITION OF:

NAME:

Paul Brodeur

DISTRICT/ADDRESS:

32nd Middlesex

HOUSE No. 2982

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2982) of Paul Brodeur relative to confidential information in health care. Health Care Financing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act maintaining confidentiality of proprietary information within health care.

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. Subsection (a) of section 11 of Chapter 6D of the General Laws, as
2 appearing in the 2014 Official Edition, is hereby amended in line 10 by adding after the words
3 “collected.” the following: -

4 The commission shall keep confidential all nonpublic data obtained under this section
5 and shall not disclose the data to any person without the consent of the provider or payer that
6 produced the data, except in a preliminary report or final report under this section if the
7 commission believes that such disclosure should be made in the public interest after taking into
8 account any privacy, trade secret or anti-competitive considerations. The confidential data shall
9 not be public records and shall be exempt from disclosure under clause Twenty-sixth of section 7
10 of chapter 4 or section 10 of chapter 66.

11 SECTION 2. Subsection (a) of section 9 of chapter 12C of the General Laws, as so
12 appearing, shall be amended in line 10 by inserting after the words “necessary.” the following:-

13 The center shall keep confidential all nonpublic data obtained under this section and shall
14 not disclose the data to any person without the consent of the provider or payer that produced the
15 data, except in a preliminary report or final report under this section if the center believes that
16 such disclosure should be made in the public interest after taking into account any privacy, trade
17 secret or anti-competitive considerations. The confidential data shall not be public records and
18 shall be exempt from disclosure under clause Twenty-sixth of section 7 of chapter 4 or section 10
19 of chapter 66.

20 SECTION 3: Subsection (h) of section 25C of chapter 111 of the General Laws, as so
21 appearing, shall be amended in line 131 by inserting after the words “commission.” the
22 following:-

23 The department shall keep confidential all nonpublic documentation obtained pursuant to
24 this section and shall not disclose such documentation that is not available publicly to any
25 person, entity, or a party of record, without the consent of the applicant that produced the
26 documentation. Said non-public documentation shall not be a public record and shall be exempt
27 from disclosure under clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66.

28 SECTION 4. Subsection (c) of section 3 of chapter 176T of the General Laws, as so
29 appearing, shall be amended in line 20 by inserting after the words “commissioner.” the
30 following:-

31 The division shall keep confidential all nonpublic information obtained under this section
32 and shall not disclose the information to any person without the consent of the provider or payer
33 that produced the information, except in a preliminary report or final report under this section if
34 the division believes that such disclosure should be made in the public interest after taking into

35 account any privacy, trade secret or anti-competitive considerations. The confidential
36 information shall not be public records and shall be exempt from disclosure under clause
37 Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66.