

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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## An Act Relative to Health Information and Communication Practitioners

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

### Section 1.

The following is to be added to Chapter 13. DIVISION AND BOARDS OF REGISTRATION

(a) BOARD OF REGISTRATION IN HEALTH INFORMATION AND COMMUNICATION

- (1) Chapter 13: Section 106. Board; membership; appointment; qualifications; term of office; appointment

Section 106. There shall be a board of registration in health information and communication, in this section and sections 107 and 108 called the board, consisting of 11 members. Two of whom shall be physicians, one of whom shall be a nurse, one of whom shall be a medical librarian, two of whom shall be health information technicians, one of whom shall be a health information administrator, one of whom shall be a representative from Health and Human Services, and one of whom shall be a representative of the public. Each member shall serve a term of 2 years, and shall be selected by the Governor

- (2) Chapter 13: Section 107. Meetings; officers; rules and regulations

Section 107. The board shall meet annually in the month of June at such time and place as it shall determine and it shall organize and choose from its own members a chairman, a vice chairman and a secretary who shall hold their respective offices for one year. The board shall hold such other meetings at such times and places as it shall determine. It may adopt such rules and regulations not inconsistent with law as it may deem necessary in the performance of its duties, along with examining applicants for registration.

- (3) Chapter 13: Section 108 Salaries and expenses; limitations

Section 108. There shall be paid by the commonwealth to the members of the board four hundred dollars per year and their necessary traveling and contingent expenses actually incurred in attending the meetings thereof.

Section 2.

‘The following is to be added to CHAPTER 112. REGISTRATION OF CERTAIN PROFESSIONS AND OCCUPATIONS

(a) REGISTRATION AND LICENSING OF HEALTH INFORMATION AND COMMUNICATION PRACTITIONERS

(1) Chapter 112: Section 236. Definitions.

Section 236. The following words as used in sections 236 to 246, inclusive, unless the context otherwise requires, shall have the following meanings:--

“Board”, the board on health information and communication, established under section 106 of chapter thirteen.

“Health Information Administrator”, any person who is licensed in accordance with this chapter as a health information administrator.

“Health Information Technician”, any person who is licensed in accordance with this chapter as a health information technician.

“Medical Librarian”, any person who is licensed in accordance with this chapter as a medical librarian.

(2) Chapter 112: Section 237. Examinations; applications for licensure; fees; renewal of license

Section 23B. The board shall examine applicants for licensure in each of the fields it supervises at such times and places as it may determine and shall conduct at least two such examinations in each field in each calendar year. The board shall establish examination and testing procedures to enable the board to ascertain the competency of persons wishing to be licensed as health information administrators, health information technicians, and medical librarians. Applications for such licenses, signed and sworn by the applicants shall be made on forms furnished by the board. An applicant that has met the educational and clinical practice requirements set forth in section twenty-three F, twenty-three G, twenty-three H, twenty-three I, or twenty-three J, shall, upon payment of a fee determined by the secretary of administration and finance, be examined by the board, and if found qualified, and if he passes the examination, shall be licensed to practice.

Licenses shall expire every 2 years on the birth anniversary of the licensee. Licensees shall pay to the board a renewal fee determined by the secretary of administration and finance. The board may require specific

continuing education as a condition of license renewal. The board may provide for the late renewal of a license that has lapsed and may require the payment of a late fee, an examination, continuing education, and supervised experience before issuing the renewed license. For purposes of implementing the transition to birthday renewals, for licenses renewing on or about January 2010, the board may issue licenses that expire in less than 2 years.

(3) Chapter 112: Section 238. Practice upon filing of license application

Section 238. A person who meets the qualifications to be admitted to the examination for licensure as a health information administrator, a health information technician or a medical librarian may between the date of filing an application for licensure and the announcement of the results of the next succeeding examination for licensure, according to which application he has filed, practice as a health information administrator under the direction of a health information administrator duly licensed under this chapter; as a health information technician under direction of a health information technician duly licensed under this chapter; or as a medical librarian under direction of a medical librarian licensed under this chapter. If any person so practicing fails to qualify for or pass the first announced examination after filing for licensure, all privileges under this section shall automatically cease upon due notice to the applicant of such failure. Such privileges shall be renewed upon filing for a second examination for licensure and shall automatically cease upon notice to the applicant that he has failed to pass the second examination. Such privileges may again be renewed upon the applicant petitioning the board for permission to file a third application and said permission being granted by the board, and shall automatically cease upon due notice that he has failed to pass the third examination. The privilege shall not exceed beyond the third examination.

(4) Chapter 112: Section 239. Licensing of persons registered or licensed in other states, territories, etc.; fees

Section 239. The board may without examination, license as a health Information administrator, health information technician or medical librarian any applicant who is duly licensed or registered under the laws of another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. At the time of making such application, the applicant shall pay a fee determined by the secretary of administration and finance to the board.

- (5) Chapter 112: Section 240. Health Information Administrators; qualifications.

Section 240. An applicant for licensure as a health information administrator shall:

(i) be a graduate of a college or university approved by the board and completed such college's or university's in curricula deemed acceptable to the board: and has completed a program of practical training deemed acceptable to the board.

(ii) have passed an examination administered by the board. Such examination shall be written, and, in addition, at the discretion of the board, may be oral and demonstrative, and shall test the applicant's knowledge of the basic and clinical sciences as they apply to health information administrators and their practice, including the applicant's professional skills and judgment in the utilization of techniques and methods, and such other subjects as the board may deem useful to determine the applicant's ability to act as a health information administrator. The examination shall be conducted at least twice a year at times and places to be determined by the board.

- (6) Chapter 112: Section 241. Health Information Technician; qualifications

Section 241. An applicant for licensure as a health information technician shall:

(i) be a graduate of a 2-year associate's program approved by the board and completed such curriculum deemed acceptable to the board.

(ii) have passed an examination administered by the board. Such examination shall be written, and, in addition, at the discretion of the board, may be oral and demonstrative, and shall test the applicant's knowledge of the basic and clinical sciences as they apply to health information technicians and their practice, including the applicant's professional skills and judgment in the utilization of techniques and methods, and such other subjects as the board may deem useful to determine the applicant's ability to act as a health information technician. The examination shall be conducted at least twice a year at times and places to be determined by the board.

- (7) Chapter 112: Section 242. Medical Librarian; qualifications

Section 242. An applicant for licensure as a medical librarian shall:

(i) be a graduate of a college or university approved by the board and completed such college's or university's curriculum deemed acceptable to the board: and has completed a program of practical training deemed acceptable to the board.

(ii) have passed an examination administered by the board. Such examination shall be written, and, in addition, at the discretion of the board, may be oral and demonstrative, and shall test the applicant's knowledge of the basic and clinical sciences as they apply to medical librarians and their practice, including the applicant's professional skills and judgment in the utilization of techniques and methods, and such other subjects as the board may deem useful to determine the applicant's ability to act as a health information technician. The examination shall be conducted at least twice a year at times and places to be determined by the board.

(8) Chapter 112: Section 243. Revocation, suspension, etc. of licensee

Section 243. The board may, after a hearing pursuant to chapter thirty, revoke, suspend, cancel the license of or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that said person:

- (i) obtained or attempted to obtain a license by fraud or deception,
- (ii) been convicted of a felony or of a crime involving moral turpitude,
- (iii) has been grossly negligent in his practice as a health information administrator, a health information technician or a medical librarian,
- (iv) been adjudged mentally ill or incompetent by the court of competent jurisdiction,
- (v) used drugs or intoxicating liquors to the extent which adversely affects his practice,
- (vi) acted in manner which is professionally unethical according to ethical standards of the professions of health information and communication.

(9) Chapter 112: Section 244. Rules and regulations; record of proceedings; roster of licensees

Section 244. The board shall adopt reasonable rules and regulations to carry into effect sections two hundred and thirty-six to two hundred and forty-five inclusive and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all persons licensed by it under this section. The roster shall include the licensee's name, last known business and residential address; date of licensing, and license number.

(10) Chapter 112: Section 245. Necessity for licensure

Section 244. No person shall hold himself out as a health information administrator, health information technician or medical librarian or unless he is licensed in accordance with sections two hundred and forty to two hundred and forty-two.

(11) Chapter 112: Section 246. Penalties

Section 245. Whoever violates any provision of section two hundred and forty-three, shall, except as provided in section sixty-five, be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not less than one month nor more than one year, or both. Whoever violates any provision of the preceding section shall be punished by a fine of not less than two hundred nor more than five hundred dollars.