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Every physician matters, each patient counts.

July 16, 2025

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The Honorable Aaron Michlewitz
Chair, House Committee on Ways and Means
State House, Room 243
Boston, Massachusetts 02133

Dear Chair Michlewitz:

On behalf of the over 24,000 physician, resident, and student members of the Massachusetts Medical Society (MMS), we extend our sincere gratitude for your leadership in advancing H.4271, *An Act strengthening health care protections in the Commonwealth*. We deeply appreciate your efforts to bolster critical legal, regulatory, and privacy safeguards for patients and providers of reproductive and gender-affirming health care. This legislation ensures the Commonwealth remains a leader in safeguarding access to evidence-based, patient-centered care, without fear of legal retaliation.

We believe the following amendments would build upon the House's commitment to strengthening protections for reproductive and gender-affirming health care and wish to be recorded in support of:

Amendment #6 — Data Sharing Protection

This amendment narrows the scope of data sharing protections to cover abortion and abortion-related care (including miscarriage management), in vitro fertilization, and gender-affirming care—services specifically selected due to the elevated legal risks they face outside Massachusetts, balancing the administrative challenges of isolating this information within medical records. As drafted, H.4271 unintentionally extends these protections to all reproductive health services, including contraception and routine pregnancy care, which could introduce significant clinical and administrative burdens. The amendment offers a more targeted approach that maintains strong protections for patients and providers, while avoiding unworkable record segmentation and reducing the risk of care delays, clinical issues, and operational challenges.

Amendment 7 — Administrative Technical Changes

While Section 12 of H.4271 appropriately aims to protect patient privacy by limiting the sharing of electronic health records to individuals authorized in writing by the patient, its current language is broad and risks unintended consequences by creating barriers that could delay care or disrupt essential administrative activities. This amendment addresses these concerns by aligning the bill with established HIPAA standards, ensuring that payers and providers can continue to share limited, necessary information to facilitate treatment, coordinate care, process prior authorizations, and pay claims. This clarification preserves H.4271's core privacy protections while streamlining administrative operations and safeguarding timely access to care.

Amendment 9 — Technical Advisory Group to Ensure Appropriate Clinical Care

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This amendment establishes a collaborative, expert-driven process to address complex challenges around data sharing and interoperability. Patient safety is paramount, and it is imperative to limit restrictions on appropriate data sharing, which may hamper interoperability, to ensure access to necessary clinical information and promote appropriate clinical care. By bringing together diverse stakeholders, the Advisory Group can ensure that regulations support seamless access to vital clinical information while protecting patient privacy.

Thank you for your consideration of our comments.

Sincerely,

Olivia C. Liao, MD, FACS