# Massachusetts

## Newborn Genetic Testing & Surveillance System

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<tr>
<th>State</th>
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<tr>
<td>MA</td>
<td>STATUTE: Title XVI, Chapter 111, Sections 110A and 70G RULE: 105 CMR</td>
<td><strong>Chapter 111: Section 110A. Tests of newborn children for treatable disorders or diseases.</strong> The physician attending a newborn child shall cause said child to be subjected to tests for phenylketonuria, cretinism and such other specifically treatable genetic or biochemical disorders or treatable infectious diseases which may be determined by testing as specified by the commissioner. The commissioner may convene an advisory committee on newborn screening to assist him in determining which tests are necessary. The department shall make such rules pertaining to such tests as accepted medical practice shall indicate…</td>
<td><strong>Section 110A.</strong> …The provisions of this section shall not apply if the parents of such child object thereto on the grounds that such test conflicts with their religious tenets and practices.</td>
<td><strong>Chapter 111: Section 70G. Genetic information and reports protected as private information; prior written consent for genetic testing.</strong> a)…For purposes of this section, the term genetic information shall not include any information about an identifiable person that is taken …(3) as a newborn screening pursuant to section 110A:… [emphasis added] (c) No facility, as defined in section 70E, and no physician or health care provider shall: (1) test any person for genetic information without first obtaining the prior written consent;</td>
<td>NO</td>
<td>YES</td>
</tr>
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</table>
105 CMR 300.000
REPORTABLE DISEASES,
SURVEILLANCE AND
ISOLATION AND
QUARANTINE
REQUIREMENTS. …300.020:
Definitions….Disease. An
abnormal condition or functional
impairment resulting from
infection, metabolic
abnormalities, physical or
physiological injury or other
cause, marked by subjective
complaints, associated with a
specific history, and clinical signs
and symptoms, and/or laboratory
or radiographic findings…
Illness. An abnormal condition or
functional impairment resulting
from infection, metabolic
abnormalities, physical or
physiological injury or other
cause, marketed by subjective
complaints and clinical signs.

(2) disclose the results of a
genetic test to any person
other than the subject
thereof without first
obtaining the informed
written consent except
where the results disclosed
will be used only as is
confidential research
information for use in
epidemiological or clinical
research conducted for the
purpose of generating
scientific knowledge about
genes or learning about the
genetic basis of disease or
for developing
pharmaceutical and other
treatments of disease; or
identify the person being
tested to any other person
without first obtaining
informed written consent or
upon proper judicial order.
| 105 CMR 300.191: Access to Medical Records and Other Information. (A) The Department and local boards of health are authorized to obtain, upon request, from health care providers and other persons subject to the provisions of 105 CMR 300.000 et seq., medical records and other information that the Department or the local board of health deems necessary to carry out its responsibilities to investigate, monitor, prevent and control diseases dangerous to the public health… | Organizations conducting pharmaco-economic studies in systematic research to determine the cost benefits of specific treatment for genetic based disease shall be exempted from the need to re-obtain informed written consent. |  |  |