COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

POLICY 2025-02

CATEGORICAL APPROVAL OF INFORMATION REQUESTS BY BOARDS AND PROGRAMS WITHIN THE DEPARTMENT OF PUBLIC HEALTH

Issued August 21, 2025

From time to time the Board’s investigation into a complaint against a physician involves care and treatment of patients in settings where the care was provided or supervised by multiple licensed health care professionals. In these circumstances, the Board’s investigation may be concurrent with investigations conducted by one or more of the licensing boards or programs serving in the Department of Public Health (DPH), including but not limited to the boards of registration within the Bureau of Health Professions Licensure, Bureau of Health Care Safety and Quality and the Bureau of Substance Addiction Services. The Board itself serves within the DPH pursuant to G.L. c. 13, § 9[[1]](#footnote-1).

Pursuant to G.L. c. 112, § 5, the Board does not share or produce information concerning its investigations prior to either (1) issuing a Statement of Allegations, (2) dismissing a complaint, or (3) taking other final action, e.g., accepting a resignation[[2]](#footnote-2). Even when one of those events occurs, BORIM is restricted from sharing or producing personal data, which includes medical records and information, pertaining to physicians, patients or complainants. Specifically, state agencies may not allow any other agency or individual to access personal data relating to an individual person in the agencies’ possession pursuant to G.L. c. 66A, known as “Fair Information Practices Act” or “FIPA.” There are also additional statutory restrictions outside of G.L. c. 112, § 5 that require BORIM to keep confidential certain information collected as part of its investigations or by its Data Repository Unit[[3]](#footnote-3).

However, G.L. c. 112, § 5 also provides that the confidentiality requirement in § 5 does not apply as the Board may establish in its regulations. The Board’s regulations at 243 CMR 1.02(11) provides that the Board will review written requests for investigative or other confidential information from designated agencies that may receive, upon Board approval, such information consistent with FIPA. It is consistent with FIPA for the Board to share personal data with boards of registration and programs within the DPH, as this is an intra-agency exchange, and not an exchange with any other agency.

In order to facilitate efficient, consistent investigations into the delivery of health care by health care professionals licensed to the fullest extent permissible by law, the Board issues this policy to categorically approve requests pursuant to 243 CMR 1.02(11) made by boards of registration or programs within the DPH and to specifically authorize the Board’s Executive Director or the Director of Enforcement to share or provide access to such DPH boards and programs to information collected by the Board’s Division of Enforcement or the Board’s Data Repository Unit, inclusive of personal data, except to the extent that the Board is required to keep the information confidential based on a statute other than G.L. c. 112, § 5 or FIPA.

1. In addition, the Board’s authority to adopt, amend or rescind rules and regulations, and to appoint staff is subject to the approval of the Commissioner of Public Health pursuant to G.L. c. 13, § 10. [↑](#footnote-ref-1)
2. BORIM refrains from sharing or disclosing this information pursuant to G.L. c. 112, §5, which specifically applies to the confidentiality of BORIM’s investigatory information. [↑](#footnote-ref-2)
3. These include, but are not limited to, G.L. c. 111, § 53B and G.L. c. 111, § 205. [↑](#footnote-ref-3)