

HOUSE JOINT RESOLUTION 2

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2004 Regular Session  
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By: **Delegates Morhaim, Elliott, Goldwater, and Nathan-Pulliam**

Introduced and read first time: January 16, 2004

Assigned to: Rules and Executive Nominations

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HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Health Insurance Portability and Accountability Act of 1996 - Privacy Rule**

3 FOR the purpose of urging the President, the U.S. Department of Health and Human  
4 Services, and the Maryland Congressional Delegation to take appropriate  
5 measures to cease enforcement of the Privacy Rule established under the Health  
6 Insurance Portability and Accountability Act of 1996.

7 WHEREAS, Protection of personal health information is an important  
8 governmental responsibility; and

9 WHEREAS, The Standards for Privacy of Individually Identifiable Health  
10 Information (the Privacy Rule) promulgated by the U.S. Department of Health and  
11 Human Services in accordance with the Health Insurance Portability and  
12 Accountability Act of 1996 took effect on April 14, 2001 and required most health  
13 plans and health care providers covered by the rule to comply with the new  
14 requirements by April 14, 2003; and

15 WHEREAS, The Privacy Rule creates national standards to protect individuals'  
16 medical records and other personal health information; and

17 WHEREAS, The federal Privacy Rule generally preempts state law unless state  
18 law has stronger protections; and

19 WHEREAS, Maryland's Confidentiality of Medical Records law has been in  
20 effect since 1990 and provides strong protection of any information entered in a record  
21 of a patient or recipient that relates to the health of the patient or recipient; and

22 WHEREAS, The Privacy Rule has made it difficult to obtain information about  
23 the health status and health care pertaining to a family member; and

24 WHEREAS, The Privacy Rule imposes significant and costly additional  
25 administrative requirements, over and above those required under Maryland law;  
26 and

27 WHEREAS, Maryland health plans and providers must determine on their own  
28 which law offers more protection and follow that rule; and

1 WHEREAS, The uncertainty regarding the Privacy Rule requirements and the  
2 strong penalties imposed on violations have created anxiety among health plans and  
3 providers and resulted in barriers to communication of vital health care information;  
4 and

5 WHEREAS, Given Maryland's already strong protections, the value of the  
6 Privacy Rule for patients is questionable at best; and

7 WHEREAS, Enforcement of the Privacy Rule should cease, unless and until the  
8 requirements are modified to be less burdensome and confusing; now, therefore, be it

9 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the U.S.  
10 Department of Health and Human Services is urged to cease indefinitely enforcement  
11 of 45 CFR Parts 160 and 164; and be it further

12 RESOLVED, That the Maryland Congressional Delegation is urged to take  
13 action to prohibit enforcement of 45 CFR Parts 160 and 164; and be it further

14 RESOLVED, That a copy of this Resolution be forwarded by the Department of  
15 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;  
16 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and  
17 the Honorable Michael E. Busch, Speaker of the House of Delegates; and be it further

18 RESOLVED, That a copy of this Resolution be forwarded by the Department of  
19 Legislative Services to President George W. Bush, The White House, 1600  
20 Pennsylvania Avenue, N.W., Washington, D.C. 20500; the Honorable Tommy G.  
21 Thompson, Secretary of Health and Human Services, 200 Independence Avenue, S.W.,  
22 Washington, D.C. 20201; and the Maryland Congressional Delegation: Senators Paul  
23 S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C.  
24 20510; and Representatives Wayne T. Gilchrest, C. A. Dutch Ruppersberger III,  
25 Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett,  
26 Elijah E. Cummings, and Christopher Van Hollen, Jr., House Office Building,  
27 Washington, D.C. 20515.