

HOUSE BILL 580

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2004 Regular Session
(41r0086)

ENROLLED BILL

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by **Chairman, Health and Government Operations Committee (By
Request - Departmental - Health and Mental Hygiene)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 359

1 AN ACT concerning

2 **Disease Prevention - Laboratory Examination Reports**

3 FOR the purpose of clarifying the requirement for the director of a medical laboratory
4 in the State to submit a report to a certain local health officer on certain
5 diseases or conditions; requiring the director of an out-of-state medical
6 laboratory to submit a report to the Secretary of Health and Mental Hygiene on
7 certain diseases or conditions under certain circumstances; requiring the
8 Secretary to inform a certain local health officer about a certain report from an
9 out-of-state medical laboratory; adding certain diseases to the list of diseases
10 and conditions required to be reported; ~~requiring certain medical laboratories to~~
11 ~~make a certain request under certain circumstances; requiring certain medical~~
12 ~~laboratories to inform the Department of Health and Mental Hygiene of certain~~
13 ~~information under certain circumstances; requiring certain medical laboratories~~
14 ~~to provide certain medical laboratories, offices, or facilities with a certain form;~~
15 and generally relating to laboratory reporting of certain diseases and conditions.

16 BY repealing and reenacting, with amendments,

1 Article - Health - General
2 Section 18-205
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2003 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Health - General**

8 18-205.

9 (a) In this section, "invasive disease" means a disease in which an organism is
10 detected in a specimen taken from a normally sterile body site.

11 (b) (1) The director of a medical laboratory LOCATED IN THIS STATE shall
12 submit a report to the health officer for the county where the laboratory is located
13 within 48 hours after an examination of a HUMAN specimen [from a human body]
14 shows evidence of any [of the following:] DISEASE OR CONDITION LISTED IN
15 SUBSECTION (C) OF THIS SECTION.

16 (2) THE DIRECTOR OF A MEDICAL LABORATORY LOCATED OUTSIDE OF
17 THIS STATE THAT PERFORMS A MEDICAL LABORATORY TEST ON A HUMAN SPECIMEN
18 ACQUIRED FROM A PERSON IN THIS STATE SHALL SUBMIT A REPORT TO THE
19 SECRETARY WITHIN 48 HOURS AFTER AN EXAMINATION OF THAT SPECIMEN SHOWS
20 EVIDENCE OF ANY DISEASE OR CONDITION LISTED IN SUBSECTION (C) OF THIS
21 SECTION.

22 (C) THE DISEASES OR CONDITIONS REPORTABLE BY A MEDICAL LABORATORY
23 DIRECTOR UNDER THIS SECTION ARE:

- 24 (1) Amoebiasis.
25 (2) Anthrax.
26 (3) ARBOVIRUS INFECTION (ALL TYPES).
27 [(3)] (4) Bacteremia in newborns.
28 [(4)] (5) Botulism.
29 [(5)] (6) Brucellosis.
30 [(6)] (7) Campylobacter infection.
31 [(7)] (8) CD 4+ count, if less than 200/MM3.
32 [(8)] (9) Chlamydia infection.
33 [(9)] (10) Cholera.

1	[(10)]	(11)	Coccidioidomycosis.
2	[(11)]	(12)	Cryptosporidiosis.
3	[(12)]	(13)	Cyclosporiasis.
4	[(13)]	(14)	Dengue fever.
5	[(14)]	(15)	Diphtheria.
6	[(15)]	(16)	Ehrlichiosis.
7	[(16)]	(17)	Encephalitis, infectious.
8	[(17)]	(18)	E. Coli 0157:H7 infection.
9	[(18)]	(19)	Giardiasis.
10	[(19)]	(20)	Gonorrhea.
11	[(20)]	(21)	Haemophilus influenzae, invasive disease.
12	[(21)]	(22)	Hansen disease (leprosy).
13	[(22)]	(23)	Hantavirus infection.
14	[(23)]	(24)	Hepatitis, viral, types A, B, C, and other types.
15	[(24)]	(25)	Human immunodeficiency virus infection.
16	[(25)]	(26)	Isosporiasis.
17	[(26)]	(27)	Legionellosis.
18	[(27)]	(28)	Leptospirosis.
19	[(28)]	(29)	Listeriosis.
20	[(29)]	(30)	Lyme disease.
21	[(30)]	(31)	Malaria.
22	[(31)]	(32)	Measles.
23	[(32)]	(33)	Meningococcal invasive disease.
24	[(33)]	(34)	Meningitis, infectious.
25	[(34)]	(35)	Microsporidiosis.
26	[(35)]	(36)	Mumps.

1	[(36)]	(37)	Pertussis.
2	(38)		PESTICIDE RELATED ILLNESS.
3	[(37)]	(39)	Plague.
4	[(38)]	(40)	Poliomyelitis.
5	[(39)]	(41)	Psittacosis.
6	[(40)]	(42)	Q fever.
7	[(41)]	(43)	Rabies.
8	[(42)]	(44)	Ricin toxin.
9	[(43)]	(45)	Rocky Mountain spotted fever.
10	[(44)]	(46)	Rubella and congenital rubella syndrome.
11	[(45)]	(47)	Salmonellosis (nontyphoid fever types).
12	(48)		SEVERE ACUTE RESPIRATORY SYNDROME.
13	[(46)]	(49)	Shiga-like toxin production.
14	[(47)]	(50)	Shigellosis.
15	[(48)]	(51)	Smallpox and other orthopox viruses.
16	[(49)]	(52)	Staphylococcal enterotoxin.
17	[(50)]	(53)	Streptococcal invasive disease, group A.
18	[(51)]	(54)	Streptococcal invasive disease, group B.
19	[(52)]	(55)	Streptococcus pneumoniae, invasive disease.
20	[(53)]	(56)	Syphilis.
21	[(54)]	(57)	Trichinosis.
22	[(55)]	(58)	Tuberculosis.
23	[(56)]	(59)	Tularemia.
24	[(57)]	(60)	Typhoid fever.
25	[(58)]	(61)	Varicella (chickenpox), fatal cases only.
26	[(59)]	(62)	Vibriosis, noncholera.

1 [(60)] (63) Viral hemorrhagic fevers (all types).

2 [(61)] (64) Yellow fever.

3 [(62)] (65) Yersiniosis.

4 [(c)] (D) (1) When more than 1 specimen is taken from a patient during 1
5 disease episode, the director of the medical laboratory need not report every test
6 result of a specimen that shows evidence of the same disease in that patient if:

7 (i) At least 1 positive test result is reported; and

8 (ii) The health officer has approved the reporting of less than all
9 test results.

10 (2) The director of the medical laboratory need not report vibriosis,
11 noncholera, under subsection [(b)(59)] (C)(62) of this section if the disease is found in
12 a specimen obtained from the patient's teeth, gingival tissues, or oral mucosa.

13 [(d)] (E) ~~(1)~~ The report shall:

14 ~~(1)~~ ~~(1)~~ (1) Be either in the form that the Department prescribes or on
15 the form that the Department provides; and

16 ~~(2)~~ ~~(1)~~ (2) State SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION.
17 STATE STATE AT A MINIMUM:

18 ~~(i)~~ ~~1~~ (i) The date, type, and result of the test that shows
19 evidence of a disease required to be reported;

20 ~~(ii)~~ ~~1~~ ~~2~~ ~~A~~ (ii) 1 Except as provided in item ~~2-B~~ 2 of this
21 item, the name, age, sex, and residence address of the patient from whom the
22 specimen was taken; and

23 ~~2~~ ~~B~~ 2 For reports of human immunodeficiency virus
24 infection and CD 4+ count under 200/MM3, the unique patient identifying number,
25 age, sex, and zip code of residence of the patient; and

26 ~~(iii)~~ ~~3~~ (iii) The name and address of the physician who
27 requested the test.

28 ~~(2)~~ ~~(1)~~ IF A MEDICAL LABORATORY REQUIRED TO MAKE A REPORT
29 UNDER THIS SECTION RECEIVES A HUMAN SPECIMEN WITHOUT THE INFORMATION
30 REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE MEDICAL
31 LABORATORY SHALL MAKE A WRITTEN REQUEST TO THE MEDICAL LABORATORY,
32 OFFICE, OR FACILITY IN WHICH THE HUMAN SPECIMEN WAS TAKEN INITIALLY FOR
33 THE INFORMATION REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

34 ~~(1)~~ IF THE MEDICAL LABORATORY, OFFICE, OR FACILITY DOES NOT
35 PROVIDE THE INFORMATION REQUESTED UNDER SUBPARAGRAPH (1) OF THIS
36 PARAGRAPH, THE MEDICAL LABORATORY THAT PERFORMS THE TESTING SHALL

~~1 INFORM THE DEPARTMENT OF THE FAILURE OF THE MEDICAL LABORATORY,
2 OFFICE, OR FACILITY TO PROVIDE THE INFORMATION REQUIRED UNDER
3 PARAGRAPH (1)(II) OF THIS SUBSECTION.~~

~~4 (III) A MEDICAL LABORATORY THAT FILES REPORTS UNDER THIS
5 SECTION SHALL PROVIDE MEDICAL LABORATORIES, OFFICES, OR FACILITIES THAT
6 TAKE HUMAN SPECIMENS WITH REFERRAL FORMS THAT REQUEST THE
7 INFORMATION REQUIRED BY THIS SECTION.~~

8 [(e)] (F) This section does not relieve an attending physician of the duty to
9 report under § 18-201 of this subtitle.

10 [(f)] (G) (1) A health officer shall inform the Secretary of each laboratory
11 examination report received under SUBSECTION (B)(1) OF this section.

12 (2) THE SECRETARY SHALL INFORM THE HEALTH OFFICER OF THE
13 JURISDICTION WHERE THE PATIENT RESIDES OF A LABORATORY EXAMINATION
14 REPORT RECEIVED UNDER THIS SECTION FROM A MEDICAL LABORATORY LOCATED
15 OUTSIDE THIS STATE.

16 [(g)] (H) The Secretary, a health officer, or an agent of the Secretary or health
17 officer may discuss a laboratory report with the attending physician, but, if the
18 physician is reasonably available, may communicate with a patient only with the
19 consent of the attending physician.

20 [(h)] (I) (1) All laboratory reports required under this section are:

21 (i) Confidential;

22 (ii) Not open to public inspection; and

23 (iii) Subject to subpoena or discovery in a criminal or civil
24 proceeding only pursuant to a court order sealing the court record.

25 (2) This subsection does not apply to a disclosure by the Secretary to
26 another governmental agency performing its lawful duties as authorized by an act of
27 the Maryland General Assembly or the United States Congress where the Secretary
28 determines that:

29 (i) The agency to whom the information is disclosed will maintain
30 the confidentiality of the disclosure; and

31 (ii) The disclosure is necessary to protect the public health or to
32 prevent the spread of an infectious or contagious disease.

33 [(i)] (J) To assure compliance with this section, the Secretary, a health
34 officer, or an agent of the Secretary or health officer may inspect pertinent laboratory
35 records.

1 [(j)] (K) (1) Except as provided in paragraph (2) of this subsection, a
2 director of a medical laboratory, the Secretary, a health officer, or an agent of the
3 director, Secretary, or health officer may compile or distribute a reproducible list of
4 any of the names of patients that are in reports required under this section.

5 (2) A director of a medical laboratory, the Secretary, a health officer, or
6 an agent of the director, Secretary, or health officer may not compile or distribute a
7 reproducible list of any of the names of patients in reports relating to human
8 immunodeficiency virus infection or CD 4+ count, if less than 200/MM3.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2004.