

HOUSE BILL 806

J3, J1

4lr1257

By: **Delegates Lee, Carr, Conway, Cullison, Glenn, Gutierrez, A. Kelly, McComas, McDonough, Rudolph, and Stukes**

Introduced and read first time: February 3, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Information Exchanges – Protected Health Information – Regulations**

3 FOR the purpose of requiring certain regulations for protected health information
4 obtained or released through a certain health information exchange to govern
5 the access, use maintenance, disclosure, and redisclosure of protected health
6 information as required by State or federal law; and generally relating to health
7 information exchanges and regulations for protected health information.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 4–302.2
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2013 Supplement)

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

15 **Article – Health – General**

16 4–302.2.

17 (a) The Maryland Health Care Commission shall adopt regulations for the
18 privacy and security of protected health information obtained or released through a
19 health information exchange by:

20 (1) A health care provider;

21 (2) A payor that holds a valid certificate of authority issued by the
22 Maryland Insurance Commissioner;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) A health care consumer; or

2 (4) Any person authorized by a health care consumer to act on behalf
3 of the health care consumer.

4 (b) The regulations adopted under subsection (a) of this section shall
5 [include]:

6 (1) **GOVERN THE ACCESS, USE, MAINTENANCE, DISCLOSURE,**
7 **AND REDISCLOSURE OF PROTECTED HEALTH INFORMATION AS REQUIRED BY**
8 **STATE OR FEDERAL LAW, INCLUDING THE FEDERAL HEALTH INSURANCE**
9 **PORTABILITY AND ACCOUNTABILITY ACT AND THE FEDERAL HEALTH**
10 **INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT; AND**

11 (2) **INCLUDE** protections for the secondary use of protected health
12 information obtained or released through a health information exchange.

13 (c) Data obtained or released through a health information exchange:

14 (1) May not be sold for financial remuneration until the regulations
15 required under subsections (a) and (b) of this section are adopted; and

16 (2) May be sold for financial remuneration only in accordance with the
17 regulations adopted under subsections (a) and (b) of this section.

18 (d) Regulations adopted under subsections (a) and (b) of this section may not
19 apply to protected health information exchanged:

20 (1) Between a hospital and credentialed members of the hospital's
21 medical staff;

22 (2) Among credentialed members of a hospital's medical staff; or

23 (3) Between a hospital and ancillary clinical service providers that are
24 affiliated with the hospital and have signed a business associate agreement.

25 (e) The Maryland Health Care Commission shall consult with health care
26 providers, payors, State health agencies, consumer advocates, and employers before
27 adopting regulations under subsections (a) and (b) of this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2014.