SENATE BILL 338

J15lr2303 SB 376/12 - FIN By: Senator Conway Introduced and read first time: February 6, 2015 Assigned to: Finance A BILL ENTITLED AN ACT concerning Medical Records - Authorization to Disclose - Person in Interest FOR the purpose of altering the definition of "person in interest" as it relates to the disclosure of confidential medical records to include the spouse, parent, or child of a deceased person under certain circumstances; requiring a certain person in interest to include a certain affidavit with a certain authorization for the disclosure of certain medical records; and generally relating to the authorization to disclose medical records to a person in interest. BY repealing and reenacting, with amendments, Article – Health – General Section 4-301(l) and 4-303 Annotated Code of Maryland (2009 Replacement Volume and 2014 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: Article - Health - General 4 - 301. (1)"Person in interest" means: (1) An adult on whom a health care provider maintains a medical record;

A person authorized to consent to health care for an adult consistent

with the authority granted;

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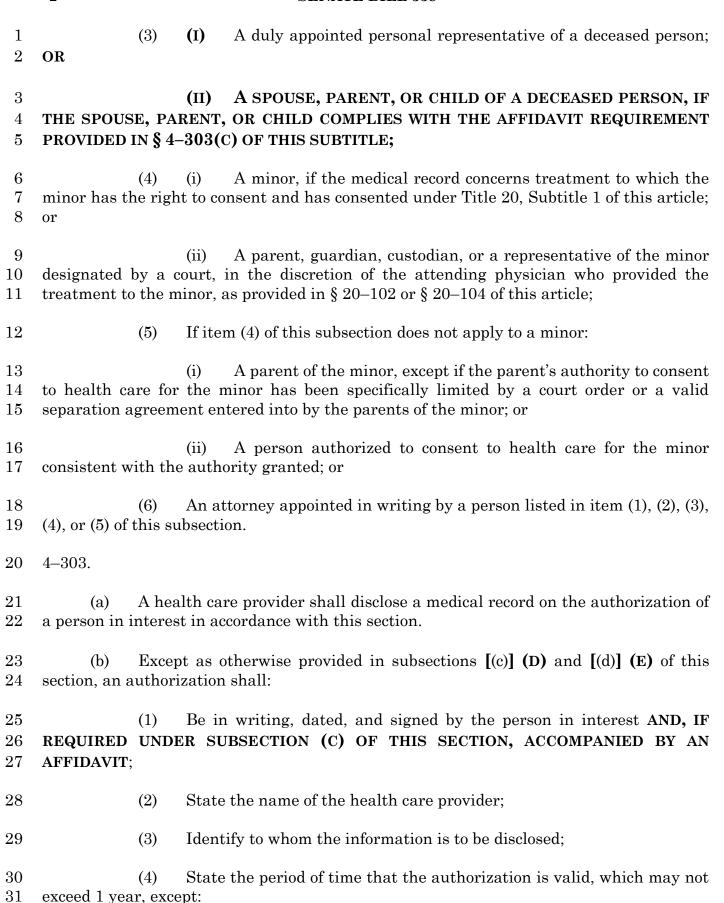
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- 1 (i) In cases of criminal justice referrals, in which case the 2 authorization shall be valid until 30 days following final disposition; or
 3 (ii) In cases where the patient on whom the medical record is kept is 4 a resident of a nursing home, in which case the authorization shall be valid until revoked,
- 6 (5) Apply only to a medical record developed by the health care provider 7 unless in writing:
- 8 (i) The authorization specifies disclosure of a medical record that 9 the health care provider has received from another provider; and
- 10 (ii) The other provider has not prohibited redisclosure.

or for any time period specified in the authorization; and

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- 11 (C) IF A PERSON IN INTEREST IS THE SPOUSE, PARENT, OR CHILD OF A
 12 DECEASED PERSON, THE AUTHORIZATION SHALL BE ACCOMPANIED BY AN
 13 AFFIDAVIT IN WHICH THE AFFIANT DECLARES AND AFFIRMS UNDER THE PENALTIES
 14 OF PERJURY THAT:
- 15 (1) THE AFFIANT IS AN ADULT AND COMPETENT TO BE A WITNESS;
- 16 (2) THE AFFIANT IS THE SPOUSE, PARENT, OR CHILD OF THE 17 DECEASED PERSON; AND
- 18 (3) THE AUTHORIZATION AND AFFIDAVIT HAVE NOT BEEN EXECUTED 19 FOR ANY UNLAWFUL PURPOSE.
- [(c)] (D) A health care provider shall disclose a medical record on receipt of a preauthorized form that is part of an application for insurance.
- [(d)] **(E)** A health care provider shall disclose a medical record on receipt of an authorization for the release of relevant medical information that is included with the claim application form filed with the Workers' Compensation Commission in accordance with § 9–709(a), § 9–710(b), or § 9–711(a) of the Labor and Employment Article.
- [(e)] **(F)** (1) Except in cases of criminal justice referrals, a person in interest may revoke an authorization in writing.
- 28 (2) A revocation of an authorization becomes effective on the date of receipt 29 by the health care provider.
- 30 (3) A disclosure made before the effective date of a revocation is not affected 31 by the revocation.

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October 1, 2015.

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1 [(f)] A copy of the following shall be entered in the medical record of a **(G)** 2 patient or recipient: 3 (1) A written authorization; (2) Any action taken in response to an authorization; and 4 Any revocation of an authorization. 5 (3) 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect