

HOUSE BILL 1385

J1, C3

6lr2926

By: ~~Delegate Morhaim~~ **Delegates Morhaim, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Public Health – ~~Electronic Advance Directives – Witness Requirements,~~**
3 **~~Information Sheet, and Repository Services Procedures, Information Sheet, and~~**
4 **Use of Electronic Advance Directives**

5 FOR the purpose of providing that ~~certain provisions of law apply to managed care~~
6 ~~organizations in a certain manner; requiring each managed care organization to offer~~
7 ~~electronic advance directives to its enrollees at a certain time; authorizing managed~~
8 ~~care organizations to contract with an electronic advance directives service under~~
9 ~~certain circumstances; repealing a provision of law providing that an electronic~~
10 ~~advance directive created in a certain manner satisfies certain requirements;~~
11 ~~prohibiting a certain witness from being required to be physically present at the time~~
12 ~~a declarant signs or acknowledges the declarant's signature on an electronic advance~~
13 ~~directive; requiring managed care organizations and the Maryland Health Benefit~~
14 ~~Exchange to provide a certain information sheet in accordance with certain~~
15 ~~provisions of law; requiring a certain information sheet to encourage the use of~~
16 ~~electronic advance directives and provide certain information; prohibiting a certain~~
17 ~~information sheet from imposing certain requirements; requiring the Department of~~
18 ~~Health and Mental Hygiene, for a certain purpose, to contract with an electronic~~
19 ~~advance directives service to connect with health care providers in a certain manner;~~
20 ~~establishing certain requirements for an electronic advance directives service;~~
21 ~~requiring the Department to encourage certain persons and entities to engage in~~
22 ~~certain outreach efforts for a certain purpose; requiring the Department to encourage~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~the use of electronic advance directives; requiring the State-designated health information exchange to make an electronic advance directive available to a certain health care provider under certain circumstances; requiring health insurance carriers to offer electronic advance directives to their members and enrollees at a certain time; authorizing carriers to contract with an electronic advance directives service under certain circumstances; requiring the Exchange to provide a certain information sheet in a certain manner; requiring the Secretary of Budget and Management to offer electronic advance directives to certain employees at a certain time~~ a certain expression of an individual's wishes regarding health care shall be considered under certain circumstances, notwithstanding any other provision of law; repealing a provision of law establishing that a certain electronic advance directive satisfies a certain requirement; establishing that a witness is not required for an electronic advance directive under certain circumstances; authorizing the State-designated health information exchange to accept as valid a certain electronic advance directive in a certain form under certain circumstances; requiring the Maryland Health Benefit Exchange to provide a certain information sheet in accordance with certain provisions of this Act; altering the contents of a certain information sheet; requiring the Department of Health and Mental Hygiene to take certain actions regarding electronic advance directives; requiring the Department, for a certain purpose, to contract with an electronic advance directives service to connect with health care providers in a certain manner; requiring certain money in the Spinal Cord Injury Research Trust Fund to be used to administer the Advance Directive Registry in the Department; altering the date on or before which the Department must implement a certain plan; requiring the Department to offer to certain recipients a certain information sheet in a certain manner and the use of electronic advance directives through a certain service; requiring the Maryland Health Care Commission to develop certain criteria for a certain purpose; establishing certain requirements that an electronic advance directives service must meet to connect to the State-designated health information exchange; authorizing the State-designated health information exchange to charge a certain fee under certain circumstances; requiring the State-designated health information exchange to ensure that electronic advance directives services do not have access to certain information; altering a certain definition; making conforming changes; and generally relating to electronic advance directives.

~~BY repealing and reenacting, without amendments,~~

~~Article – Health – General
 Section 5–602(a), 5–620, and 15–109.1
 Annotated Code of Maryland
 (2015 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Health – General
 Section ~~5–602(e), 5–615, 5–622, and 5–623~~ 5–602(a) and (c), 5–615, 5–622, 13–1406,
and 15–109.1
 Annotated Code of Maryland
 (2015 Replacement Volume)

1 BY repealing and reenacting, without amendments,
 2 Article – Health – General
 3 Section 5–620
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume)

6 BY adding to
 7 Article – Health – General
 8 Section ~~15–102.9~~ 5–615.1 and 19–144
 9 Annotated Code of Maryland
 10 (2015 Replacement Volume)

11 BY repealing and reenacting, ~~with~~ without amendments,
 12 Article – Insurance
 13 Section ~~15–122.1~~ 6–103.1
 14 Annotated Code of Maryland
 15 (2011 Replacement Volume and 2015 Supplement)

16 BY adding to
 17 Article – Insurance
 18 Section 31–108(g)
 19 Annotated Code of Maryland
 20 (2011 Replacement Volume and 2015 Supplement)

21 ~~BY adding to~~
 22 ~~Article – State Personnel and Pensions~~
 23 ~~Section 2–503(e)~~
 24 ~~Annotated Code of Maryland~~
 25 ~~(2015 Replacement Volume)~~

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

28 **Article – Health – General**

29 5–602.

30 (a) **(1)** Any competent individual may, at any time, make a written or
 31 electronic advance directive regarding the provision of health care to that individual, or the
 32 withholding or withdrawal of health care from that individual.

33 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE**
 34 **ABSENCE OF A VALIDLY EXECUTED OR WITNESSED ADVANCE DIRECTIVE, ANY**
 35 **AUTHENTIC EXPRESSION MADE BY AN INDIVIDUAL WHILE COMPETENT OF THE**

1 INDIVIDUAL'S WISHES REGARDING HEALTH CARE FOR THE INDIVIDUAL SHALL BE
2 CONSIDERED.

3 (c) (1) A written or electronic advance directive shall be dated, signed by or at
4 the express direction of the declarant, and subscribed by two witnesses.

5 (2) (i) Except as provided in subparagraphs (ii) and (iii) of this
6 paragraph, any competent individual may serve as a witness to an advance directive,
7 including an employee of a health care facility, nurse practitioner, physician assistant, or
8 physician caring for the declarant if acting in good faith.

9 (ii) The health care agent of the declarant may not serve as a
10 witness.

11 (iii) At least one of the witnesses must be an individual who is not
12 knowingly entitled to any portion of the estate of the declarant or knowingly entitled to any
13 financial benefit by reason of the death of the declarant.

14 (3) [An electronic advance directive that is created in compliance with the
15 electronic witness protocols of the Advance Directive Registry of the Department shall
16 satisfy the witness requirement of paragraph (1) of this subsection] ~~A WITNESS WHO USES~~
17 ~~AN ELECTRONIC SIGNATURE AT THE DIRECTION OF THE DECLARANT TO WITNESS AN~~
18 ~~ELECTRONIC ADVANCE DIRECTIVE MAY NOT BE REQUIRED TO BE PHYSICALLY~~
19 ~~PRESENT AT THE TIME THE DECLARANT SIGNS OR ACKNOWLEDGES THE~~
20 ~~DECLARANT'S SIGNATURE ON THE ELECTRONIC ADVANCE DIRECTIVE IS NOT~~
21 ~~REQUIRED FOR AN ELECTRONIC ADVANCE DIRECTIVE IF THE DECLARANT'S~~
22 ~~IDENTITY HAS BEEN ESTABLISHED USING REMOTE IDENTITY PROOFING AND~~
23 ~~MULTIFACTOR AUTHENTICATION SERVICES:~~

24 (i) ESTABLISHED IN ACCORDANCE WITH THE NATIONAL
25 INSTITUTE OF STANDARDS AND TECHNOLOGY SPECIAL PUBLICATION 800-63-2;
26 ELECTRONIC AUTHENTICATION GUIDELINE; AND

27 (ii) APPROVED BY THE MARYLAND HEALTH CARE
28 COMMISSION.

29 (4) THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE MAY
30 ACCEPT AS VALID AN UNWITNESSED ELECTRONIC ADVANCE DIRECTIVE IN THE
31 FORM OF A VIDEO RECORD OR FILE TO STATE THE DECLARANT'S WISHES
32 REGARDING HEALTH CARE FOR THE DECLARANT OR TO APPOINT AN AGENT IF THE
33 VIDEO RECORD OR FILE:

34 (i) IS DATED; AND

1 **(II) IS STORED IN AN ELECTRONIC FILE BY AN ELECTRONIC**
2 **ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE**
3 **COMMISSION.**

4 5–615.

5 (a) In this section, “health care facility” has the meaning stated in § 19–114 of
6 this article.

7 (b) Each health care facility shall provide each individual on admittance to the
8 facility information concerning the rights of the individual to make decisions concerning
9 health care, including the right to accept or refuse treatment, and the right to make an
10 advance directive, including a living will.

11 (c) (1) The Department, in consultation with the Office of the Attorney
12 General, shall develop an information sheet that provides information relating to advance
13 directives, which shall include:

14 (i) Written statements informing an individual that an advance
15 directive:

16 1. Is a useful, legal, and well established way for an
17 individual to direct medical care;

18 2. Allows an individual to specify the medical care that the
19 individual will receive and can alleviate conflict among family members and health care
20 providers;

21 3. Can ensure that an individual’s religious beliefs are
22 considered when directing medical care;

23 4. Is most effective if completed in consultation with family
24 members, or legal and religious advisors, if an individual desires;

25 5. Can be revoked or changed at any time;

26 6. Is available in many forms, including model forms
27 developed by religious organizations, estate planners, and lawyers;

28 7. Does not have to be on any specific form and can be
29 personalized; and

30 8. If completed, should be copied for an individual’s family
31 members, physicians, and legal advisors; and

32 (ii) The following written statements:

1 1. That an individual should discuss the appointment of a
2 health care agent with the potential appointee;

3 2. That advance directives are for individuals of all ages;

4 3. That in the absence of an appointed health care agent, the
5 next of kin make an individual's health care decisions when the individual is incapable of
6 making those decisions; and

7 4. That an individual is not required to complete an advance
8 directive.

9 (2) The information sheet developed by the Department under this
10 subsection shall be provided by:

11 (i) The Department, in accordance with § 15–109.1 of this article;

12 (ii) The Motor Vehicle Administration, in accordance with §
13 12–303.1 of the Transportation Article; [and]

14 (iii) A carrier, in accordance with § 15–122.1 of the Insurance Article;

15 AND

16 ~~(IV) A MANAGED CARE ORGANIZATION, IN ACCORDANCE WITH §~~
17 ~~15–102.9 OF THIS ARTICLE; AND~~

18 ~~(V) (IV) THE MARYLAND HEALTH BENEFIT EXCHANGE, IN~~
19 ~~ACCORDANCE WITH § 31–108(G) OF THE INSURANCE ARTICLE.~~

20 (3) The information sheet developed by the Department under this
21 subsection may not contain or promote a specific advance directive form OR AN
22 ELECTRONIC ADVANCE DIRECTIVE TECHNOLOGY OR SERVICE.

23 (4) **THE INFORMATION SHEET DEVELOPED BY THE DEPARTMENT**
24 **UNDER THIS SUBSECTION AT A MINIMUM SHALL:**

25 ~~(I) SHALL ENCOURAGE THE USE OF ELECTRONIC ADVANCE~~
26 ~~DIRECTIVES AND PROVIDE INFORMATION ABOUT SUBMITTING ELECTRONIC~~
27 ~~ADVANCE DIRECTIVES TO THE ADVANCE DIRECTIVE REGISTRY IN THE~~
28 ~~DEPARTMENT, INCLUDING ANY FEES REQUIRED TO USE THE SERVICES OF THE~~
29 ~~REGISTRY; BUT~~

30 ~~(II) MAY NOT REQUIRE THE USE OF AN ELECTRONIC ADVANCE~~
31 ~~DIRECTIVE, A SPECIFIC ELECTRONIC ADVANCE DIRECTIVE FORM, THE ADVANCE~~
32 ~~DIRECTIVE REGISTRY, OR A SPECIFIC ADVANCE DIRECTIVE SERVICE.~~

1 **(I) EDUCATE THE PUBLIC ON THE USE OF ELECTRONIC**
2 **ADVANCE DIRECTIVES;**

3 **(II) ENCOURAGE THE USE OF ELECTRONIC ADVANCE**
4 **DIRECTIVES;**

5 **(III) PROVIDE INFORMATION ABOUT DEVELOPING AN**
6 **ELECTRONIC ADVANCE DIRECTIVE;**

7 **(IV) DESCRIBE HOW ELECTRONIC ADVANCE DIRECTIVES ARE**
8 **MADE AVAILABLE AT THE POINT OF CARE;**

9 **(V) INDICATE THAT THE USE OF AN ELECTRONIC ADVANCE**
10 **DIRECTIVE IS NOT REQUIRED; AND**

11 **(VI) INDICATE THAT INDIVIDUALS DO NOT HAVE TO PAY TO**
12 **HAVE THEIR ELECTRONIC ADVANCE DIRECTIVES HONORED.**

13 **5-615.1.**

14 **THE DEPARTMENT SHALL:**

15 **(1) ENCOURAGE THE USE OF ELECTRONIC ADVANCE DIRECTIVES;**

16 **(2) CARRY OUT APPROPRIATE EDUCATIONAL AND OUTREACH**
17 **EFFORTS TO INCREASE PUBLIC AWARENESS OF ELECTRONIC ADVANCE DIRECTIVES;**
18 **AND**

19 **(3) ENCOURAGE THE FOLLOWING PERSONS AND ENTITIES TO**
20 **ENGAGE IN OUTREACH EFFORTS REGARDING ELECTRONIC ADVANCE DIRECTIVES:**

21 **(i) THE MARYLAND DEPARTMENT OF AGING;**

22 **(ii) COUNTY OMBUDSPERSONS;**

23 **(iii) LOCAL HEALTH DEPARTMENTS;**

24 **(iv) SENIOR LIVING FACILITIES;**

25 **(v) ACADEMIC INSTITUTIONS;**

26 **(vi) RELIGIOUS ORGANIZATIONS;**

27 **(vii) HOSPITALS; AND**

1 **(VIII) OTHER SIMILAR PERSONS OR ENTITIES.**

2 5-620.

3 There is an Advance Directive Registry in the Department.

4 5-622.

5 (a) (1) The Secretary shall, by regulation, set a fee for any service of the
6 Registry, including an initial fee to utilize the services of the Registry and renewal fees.

7 (2) The fees set by the Secretary may not, in the aggregate, exceed the
8 Department's costs to establish and operate the Registry.

9 (b) (1) The Department may, by contract, obtain from any person services
10 related to the establishment and operation of the Registry.

11 (2) Notwithstanding any contract in accordance with paragraph (1) of this
12 subsection, the Department is responsible for the Registry.

13 **(C) (1) TO FACILITATE THE USE OF CLOUD-BASED TECHNOLOGY FOR
14 ELECTRONIC ADVANCE DIRECTIVES, THE DEPARTMENT SHALL CONTRACT WITH AN
15 ELECTRONIC ADVANCE DIRECTIVES SERVICE TO CONNECT WITH HEALTH CARE
16 PROVIDERS AT THE POINT OF CARE THROUGH THE STATE-DESIGNATED HEALTH
17 INFORMATION EXCHANGE.**

18 **(2) THE ELECTRONIC ADVANCE DIRECTIVES SERVICE SHALL:**

19 **(I) BE APPROVED BY THE MARYLAND HEALTH CARE
20 COMMISSION AND THE DEPARTMENT; AND**

21 **(II) MEET THE TECHNOLOGY, SECURITY, AND PRIVACY
22 STANDARDS SET BY THE MARYLAND HEALTH CARE COMMISSION.**

23 **[(c)] (D) ~~(1)~~** The Department shall carry out appropriate educational and
24 outreach efforts to increase public awareness of the Registry.

25 **~~(2) TO INCREASE PUBLIC AWARENESS OF ELECTRONIC ADVANCE
26 DIRECTIVES, THE DEPARTMENT SHALL ENCOURAGE THE FOLLOWING PERSONS AND
27 ENTITIES TO ENGAGE IN OUTREACH EFFORTS ABOUT ELECTRONIC ADVANCE
28 DIRECTIVES:~~**

29 **~~(i) THE MARYLAND DEPARTMENT OF AGING;~~**

- 1 ~~(H) COUNTY OMBUDSPERSONS;~~
 2 ~~(HH) LOCAL HEALTH DEPARTMENTS;~~
 3 ~~(IV) SENIOR LIVING FACILITIES;~~
 4 ~~(V) ACADEMIC INSTITUTIONS;~~
 5 ~~(VI) RELIGIOUS ORGANIZATIONS; AND~~
 6 ~~(VII) ANY SIMILAR PERSON OR ENTITY.~~

7 ~~5-623.~~

8 ~~(a) (1) An individual may register with the Department an advance directive.~~

9 ~~(2) THE DEPARTMENT SHALL ENCOURAGE THE USE OF ELECTRONIC~~
 10 ~~ADVANCE DIRECTIVES.~~

11 ~~(b) (1) The registrant shall notify the Registry if the registrant has amended~~
 12 ~~or revoked a registered advance directive.~~

13 ~~(2) A health care provider that becomes aware that a registrant has~~
 14 ~~amended or revoked a registered advance directive shall, at the request of the registrant,~~
 15 ~~provide the registrant with information on how to notify the Registry.~~

16 ~~(c) An individual is not required to submit an advance directive to the Registry.~~

17 ~~(d) Nothing in this Part II of this subtitle affects the validity of an advance~~
 18 ~~directive that is not submitted to the Registry.~~

19 ~~(E) IF AN INDIVIDUAL HAS SUBMITTED AN ELECTRONIC ADVANCE~~
 20 ~~DIRECTIVE TO THE REGISTRY OR ANOTHER ADVANCE DIRECTIVES SERVICE, THE~~
 21 ~~STATE DESIGNATED HEALTH INFORMATION EXCHANGE SHALL MAKE THE~~
 22 ~~ELECTRONIC ADVANCE DIRECTIVE AVAILABLE TO THE INDIVIDUAL'S HEALTH CARE~~
 23 ~~PROVIDER ON REQUEST OF THE INDIVIDUAL.~~

24 ~~15-102.9.~~

25 ~~(A) THE PROVISIONS OF § 15-122.1 OF THE INSURANCE ARTICLE APPLY TO~~
 26 ~~MANAGED CARE ORGANIZATIONS IN THE SAME MANNER THE PROVISIONS APPLY TO~~
 27 ~~CARRIERS.~~

28 ~~(B) EACH MANAGED CARE ORGANIZATION SHALL OFFER ELECTRONIC~~
 29 ~~ADVANCE DIRECTIVES TO ITS ENROLLEES DURING OPEN ENROLLMENT.~~

1 ~~(C) A MANAGED CARE ORGANIZATION MAY CONTRACT WITH ANY~~
2 ~~ELECTRONIC ADVANCE DIRECTIVES SERVICE IF THE SERVICE:~~

3 ~~(1) IS APPROVED BY THE MARYLAND HEALTH CARE COMMISSION~~
4 ~~AND THE DEPARTMENT; AND~~

5 ~~(2) MEETS THE TECHNOLOGY, SECURITY, AND PRIVACY STANDARDS~~
6 ~~SET BY THE MARYLAND HEALTH CARE COMMISSION.~~

7 13-1406.

8 (a) There is a Spinal Cord Injury Research Trust Fund.

9 (b) The Fund shall consist of money transferred to the Fund under § 6-103.1 of
10 the Insurance Article or received from any other lawful source.

11 (c) (1) Money in the Fund shall be used to [make]:

12 (I) MAKE grants for spinal cord injury research that is focused on
13 basic, preclinical, and clinical research for developing new therapies to restore neurological
14 function in individuals with spinal cord injuries; AND

15 (II) ADMINISTER THE ADVANCE DIRECTIVE REGISTRY
16 ESTABLISHED UNDER § 5-620 OF THIS ARTICLE.

17 (2) For the purpose specified in paragraph (1) of this subsection, a grant
18 may include an award to or for:

19 (i) A public or private entity;

20 (ii) A university researcher;

21 (iii) A research institution;

22 (iv) Private industry;

23 (v) A clinical trial;

24 (vi) A supplement to an existing charitable or private industry grant;

25 (vii) A matching fund;

26 (viii) A fellowship in spinal cord injury research;

27 (ix) A research meeting concerning spinal cord injury research; or

1 (x) Any other recipient or purpose which the Board determines is
2 consistent with the purpose specified in paragraph (1) of this subsection.

3 (d) (1) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the
4 State Finance and Procurement Article.

5 (2) (i) The Fund shall be used exclusively to offset the actual
6 documented direct costs of fulfilling the statutory and regulatory duties of the Board under
7 this subtitle.

8 (ii) The Department shall pay the indirect costs the Board incurs in
9 fulfilling the statutory and regulatory duties of the Board under this subtitle.

10 (3) Any unspent portions of the Fund may not be transferred or revert to
11 the General Fund of the State, but shall remain in the Fund to be used for the purpose
12 specified in subsection (c) of this section.

13 (e) The chairman of the Board or the designee of the chairman shall administer
14 the Fund.

15 (f) The Legislative Auditor shall audit the accounts and transactions of the Fund
16 as provided in § 2-1220 of the State Government Article.

17 15-109.1.

18 (a) The Department, in consultation with the Office of the Attorney General,
19 shall:

20 (1) Develop and implement a plan for making the advance directive
21 information sheet developed under § 5-615 of this article widely available; and

22 (2) Make the information sheet described in item (1) of this subsection
23 available in a conspicuous location in each local health department, in each local
24 department of social services, and in community health centers.

25 (b) The Department shall implement the plan on or before ~~June 30, 2005~~
26 **JANUARY 1, 2017.**

27 (c) During the development of the plan under subsection (a) of this section and
28 the information sheet under § 5-615 of this article, the Office of the Attorney General shall
29 consult with any interested party including the State Advisory Council on Quality Care at
30 the End of Life.

31 **(D) THE DEPARTMENT SHALL OFFER:**

1 **(1) THE INFORMATION SHEET DEVELOPED UNDER § 5-615 OF THIS**
2 **ARTICLE AS PART OF THE MONTHLY ENROLLMENT PACKET MAILED TO A RECIPIENT**
3 **BY THE ENROLLMENT BROKER; AND**

4 **(2) THE USE OF ELECTRONIC ADVANCE DIRECTIVES TO A RECIPIENT**
5 **THROUGH AN ADVANCE DIRECTIVES SERVICE THAT:**

6 **(I) IS APPROVED BY THE MARYLAND HEALTH CARE**
7 **COMMISSION AND THE DEPARTMENT; AND**

8 **(II) MEETS THE TECHNOLOGY, SECURITY, AND PRIVACY**
9 **STANDARDS ESTABLISHED BY THE MARYLAND HEALTH CARE COMMISSION.**

10 **19-144.**

11 **(A) TO FACILITATE THE USE OF WEB-BASED TECHNOLOGY FOR**
12 **ELECTRONIC ADVANCE DIRECTIVES, THE MARYLAND HEALTH CARE COMMISSION**
13 **SHALL DEVELOP CRITERIA FOR RECOGNIZING ELECTRONIC ADVANCE DIRECTIVES**
14 **SERVICES THAT ARE AUTHORIZED TO CONNECT TO THE STATE-DESIGNATED**
15 **HEALTH INFORMATION EXCHANGE.**

16 **(B) TO BE AUTHORIZED TO CONNECT TO THE STATE-DESIGNATED HEALTH**
17 **INFORMATION EXCHANGE, AN ELECTRONIC ADVANCE DIRECTIVES SERVICE SHALL:**

18 **(1) BE RECOGNIZED BY THE MARYLAND HEALTH CARE**
19 **COMMISSION;**

20 **(2) MEET NATIONAL PRIVACY AND SECURITY STANDARDS AND**
21 **INDUSTRY BEST PRACTICES FOR SECURITY AUDITS IDENTIFIED BY THE MARYLAND**
22 **HEALTH CARE COMMISSION;**

23 **(3) USE REMOTE IDENTITY PROOFING AND MULTIFACTOR**
24 **AUTHENTICATION SERVICES:**

25 **(I) ESTABLISHED IN ACCORDANCE WITH THE NATIONAL**
26 **INSTITUTE OF STANDARDS AND TECHNOLOGY SPECIAL PUBLICATION 800-63-2:**
27 **ELECTRONIC AUTHENTICATION GUIDELINE; AND**

28 **(II) APPROVED BY THE MARYLAND HEALTH CARE**
29 **COMMISSION;**

30 **(4) BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH**
31 **CONNECTING TO THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE; AND**

1 ~~(C) EACH CARRIER SHALL OFFER ELECTRONIC ADVANCE DIRECTIVES TO~~
 2 ~~ITS MEMBERS OR ENROLLEES DURING OPEN ENROLLMENT.~~

3 ~~(D) A CARRIER MAY CONTRACT WITH ANY ELECTRONIC ADVANCE~~
 4 ~~DIRECTIVES SERVICE IF THE SERVICE:~~

5 ~~(1) IS APPROVED BY THE MARYLAND HEALTH CARE COMMISSION~~
 6 ~~AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; AND~~

7 ~~(2) MEETS THE TECHNOLOGY, SECURITY, AND PRIVACY STANDARDS~~
 8 ~~SET BY THE MARYLAND HEALTH CARE COMMISSION.~~

9 6-103.1.

10 Notwithstanding § 2-114 of this article, beginning January 15, 2006, from the tax
 11 imposed on the health insurers under this subtitle, \$500,000 shall be distributed annually
 12 to the Spinal Cord Injury Research Trust Fund created under § 13-1406 of the Health -
 13 General Article.

14 31-108.

15 (G) THE EXCHANGE SHALL PROVIDE THE ADVANCE DIRECTIVE
 16 INFORMATION SHEET DEVELOPED UNDER § 5-615 OF THE HEALTH - GENERAL
 17 ARTICLE:

18 (1) IN THE EXCHANGE'S CONSUMER PUBLICATIONS;

19 (2) ON THE EXCHANGE'S WEB SITE; AND

20 (3) AT THE REQUEST OF AN APPLICANT.

21 ~~Article State Personnel and Pensions~~

22 ~~2-503.~~

23 ~~(E) THE SECRETARY SHALL OFFER ELECTRONIC ADVANCE DIRECTIVES TO~~
 24 ~~EMPLOYEES DURING OPEN ENROLLMENT FOR HEALTH INSURANCE BENEFITS~~
 25 ~~UNDER THE PROGRAM.~~

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 October 1, 2016.