

HB1468/296885/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1468  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and West” and substitute “West, and Morales”; in lines 2 and 3, strike “- Mental Health Services”; strike beginning with “to” in line 6 down through “interest” in line 7 and substitute “; authorizing a health care provider to disclose directory information about a patient to a certain individual except under certain circumstances; requiring a health care provider to inform a patient of health care information that the health care provider may include in a certain directory and the persons to whom the information may be disclosed; requiring a health care provider to provide a patient, at a certain time, with an opportunity to restrict or prohibit the disclosure of directory information; authorizing a health care provider to disclose a patient’s directory information under certain circumstances if providing an opportunity for a patient to restrict or prohibit the disclosure is not practicable for certain reasons; altering the circumstances under which a health care provider may disclose a medical record and the types of records that may be disclosed to certain family members of a patient or other individuals without the authorization of a person in interest”; in line 9, after “services;” insert “stating the intent of the General Assembly;”; and in line 11, strike “relating to mental health services”.

AMENDMENT NO. 2

On page 2, in line 8, strike “A” and substitute “**(1) UNLESS THE PATIENT HAS RESTRICTED OR PROHIBITED THE DISCLOSURE OF DIRECTORY INFORMATION, A**”; and strike beginning with “without” in line 9 down through “information” in line 10 and substitute “**TO AN INDIVIDUAL WHO HAS ASKED FOR THE PATIENT BY NAME.**”

**(2) A HEALTH CARE PROVIDER SHALL:**

(Over)

(I) INFORM A PATIENT OF THE HEALTH CARE INFORMATION THAT THE HEALTH CARE PROVIDER MAY INCLUDE IN A DIRECTORY AND THE PERSONS TO WHOM THE HEALTH CARE PROVIDER MAY DISCLOSE THE INFORMATION; AND

(II) AS SOON AS PRACTICABLE, PROVIDE THE PATIENT WITH THE OPPORTUNITY TO RESTRICT OR PROHIBIT DISCLOSURE OF DIRECTORY INFORMATION.

(3) IF PROVIDING AN OPPORTUNITY UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO RESTRICT OR PROHIBIT THE DISCLOSURE OF DIRECTORY INFORMATION IS NOT PRACTICABLE BECAUSE OF THE PATIENT'S INCAPACITY OR NEED FOR EMERGENCY CARE OR TREATMENT, A HEALTH CARE PROVIDER MAY DISCLOSE THE PATIENT'S DIRECTORY INFORMATION IF THE DISCLOSURE IS:

(I) CONSISTENT WITH A PRIOR EXPRESSED PREFERENCE OF THE PATIENT THAT IS KNOWN TO THE HEALTH CARE PROVIDER; AND

(II) DETERMINED TO BE, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGEMENT, IN THE PATIENT'S BEST INTEREST".

AMENDMENT NO. 3

On page 2, strike beginning with "Except" in line 14 down through "to" in line 16 and substitute "TO"; strike beginning with "if" in line 17 down through "practice;" in line 18 and substitute "PROVIDED THAT:

(I) THE DISCLOSURE IS LIMITED TO INFORMATION THAT IS DIRECTLY RELEVANT TO THE INDIVIDUAL'S INVOLVEMENT IN THE PATIENT'S HEALTH CARE; AND

(II) 1. IF THE PATIENT IS PRESENT OR OTHERWISE AVAILABLE BEFORE THE DISCLOSURE AND HAS THE CAPACITY TO MAKE HEALTH CARE DECISIONS:

A. THE PATIENT HAS BEEN PROVIDED WITH AN OPPORTUNITY TO OBJECT TO THE DISCLOSURE AND THE PATIENT HAS NOT OBJECTED; OR

B. THE HEALTH CARE PROVIDER REASONABLY INFERS FROM THE CIRCUMSTANCES THAT, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, THE PATIENT DOES NOT OBJECT TO THE DISCLOSURE; OR

2. IF THE PATIENT IS NOT PRESENT OR OTHERWISE AVAILABLE BEFORE THE DISCLOSURE IS MADE, OR PROVIDING THE PATIENT WITH AN OPPORTUNITY TO OBJECT TO THE DISCLOSURE IS NOT PRACTICABLE BECAUSE OF THE PATIENT'S INCAPACITY OR NEED FOR EMERGENCY CARE OR TREATMENT, THE HEALTH CARE PROVIDER DETERMINES, BASED ON THE HEALTH CARE PROVIDER'S PROFESSIONAL JUDGMENT, THAT THE DISCLOSURE IS IN THE BEST INTERESTS OF THE PATIENT;".

AMENDMENT NO. 4

On page 2, after line 18, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that Title 4, Subtitle 3 of the Health – General Article:

(1) may not to be interpreted to be more restrictive than the federal privacy regulations adopted under the federal Health Insurance Portability and Accountability Act;

(Over)

**HB1468/296885/1 Health and Government Operations Committee**  
**Amendments to HB 1468**  
**Page 4 of 4**

(2) is not intended to be in conflict with the federal Health Insurance Portability and Accountability Act; and

(3) is to be interpreted in a way that is consistent with any federal regulations adopted under the federal Health Insurance Portability and Accountability Act, federal policy guidance on the federal Health Insurance Portability and Accountability Act, and any judicial decisions relating to the federal Health Insurance Portability and Accountability Act.”.

and in line 19, strike “2.” and substitute “3.”.