

HOUSE BILL 1468

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7lr2274
CF SB 584

By: **Delegates Valentino–Smith, Kelly, and West**

Introduced and read first time: February 10, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Records – Disclosure of Directory Information and Medical Records –**
3 **Mental Health Services**

4 FOR the purpose of altering the circumstances under which a health care provider may
5 disclose a medical record developed primarily in connection with mental health
6 services to certain family members of a patient or other individuals without the
7 authorization of a person in interest; altering the definition of “directory
8 information” as it relates to confidentiality of medical records to include health care
9 information developed primarily in connection with mental health services; and
10 generally relating to confidentiality of directory information and medical records
11 relating to mental health services.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 4–301(a) and 4–302(c)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2016 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 4–301(b) and 4–305(b)(7)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2016 Supplement)

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

24 **Article – Health – General**

25 4–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) [(1)] “Directory information” means information concerning the presence
3 and general health condition of a patient who has been admitted to a health care facility or
4 who is currently receiving emergency health care in a health care facility.

5 [(2)] “Directory information” does not include health care information
6 developed primarily in connection with mental health services.]

7 4–302.

8 (c) A health care provider may disclose directory information about a patient
9 without the authorization of a person in interest, except if the patient has instructed the
10 health care provider in writing not to disclose directory information.

11 4–305.

12 (b) A health care provider may disclose a medical record without the
13 authorization of a person in interest:

14 (7) Except if the patient has instructed the health care provider not to
15 make the disclosure, [or if the record has been developed primarily in connection with the
16 provision of mental health services,] to immediate family members of the patient or any
17 other individual with whom the patient is known to have a close personal relationship, if
18 made in accordance with good medical or other professional practice;

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2017.