

HOUSE BILL 868

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9lr2046
CF SB 459

By: **Delegates Barron, Lopez, Malone, and Parrott**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Records – Compulsory Process Requests – Advisory Protocol and**
3 **Voluntary Training**

4 FOR the purpose of requiring, on or before a certain date, the Office of the Attorney General
5 to develop a certain advisory protocol and voluntary training program; requiring the
6 Office to consult certain entities in developing the advisory protocol and voluntary
7 training program; and generally relating to an advisory protocol and voluntary
8 training on the disclosure of medical records in response to compulsory process.

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That:

11 (a) On or before September 30, 2020, the Office of the Attorney General shall
12 develop an advisory protocol and voluntary training program for health care providers
13 regarding how to respond to compulsory process requests for medical records that includes
14 information regarding the requirements of:

15 (1) the federal Health Insurance Portability and Accountability Act of 1996
16 and any regulations adopted under the Act;

17 (2) Title 4, Subtitle 3 of the Health – General Article; and

18 (3) §§ 9–109, 9–109.1, and 9–121 of the Courts Article.

19 (b) In developing the advisory protocol and voluntary training program under
20 subsection (a) of this section, the Office of the Attorney General shall consult:

21 (1) the Maryland Department of Health;

22 (2) MedChi, the Maryland State Medical Society;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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- 1 (3) the Maryland Nurses Association;
- 2 (4) the Maryland State Dental Association;
- 3 (5) the National Association of Social Workers – Maryland Chapter;
- 4 (6) the Maryland Clinical Social Work Coalition;
- 5 (7) the Maryland Psychological Association;
- 6 (8) the Maryland Pharmacists Association; and
- 7 (9) any other health professional association or public health entity in the
8 State that elects to participate.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2019.