

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 543

(Senator Lam)

Finance

Health and Government Operations

Health – Vital Records – Health Information Exchange Data Access and Security
Protocols and Protections

This bill requires the Maryland Department of Health (MDH) to develop and implement security protocols and other protections to ensure a person without authorization is prohibited from accessing any vital records and minimize the disclosure of and access to medically sensitive information from the vital records database by employees not employed by MDH. The developed security protocols and other protections must include an auditable record of specified information. The bill also authorizes the Secretary of Health, on request, to provide the State-designated health information exchange (HIE) with specified information from death certificates.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: The bill's requirements can be handled with existing budgeted resources, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The auditable record must include (1) the date and time a certified or abridged copy of a birth certificate was printed and (2) the identification of the employee who printed the certified or abridged copy of the birth certificate.

The Secretary of Health may provide the State HIE with select information from death certificates to allow linkage of the data to the HIE's master patient index so that a date of death may be associated and stored with the records of those patients who have died for statistical and clinician notification purposes in accordance with regulations or a data sharing agreement.

Current Law: Under the Health-General Article, a local health department (LHD) or the Motor Vehicle Administration (MVA) may access electronic records from MDH of a certified or abridged copy of a registered birth certificate and provide a certified or abridged copy of a registered birth certificate to an authorized person.

The Secretary of Health may provide the U.S. Department of Health and Human Services with copies of vital records or other information that is required for national statistics, on the condition that the information may not be used other than for statistical purposes on terms or conditions set by the Secretary. The Secretary may also provide federal, State, local, and other public or private agencies with copies of vital records or other information for statistical purposes upon request.

Background: MDH advises that the current electronic vital records system already tracks the date, time, and employee who issues a birth certificate. However, only MDH and LHDs have access to this system.

Chapter 526 of 2018 authorized MVA to access and issue copies of birth certificates. MDH advises that, pursuant to this legislation, a new electronic vital records system is in development that will, in addition to the capabilities of the current system, provide search and certificate viewing restrictions to prevent State employees not employed by MDH from viewing medical information on birth certificates. This system is estimated to go live in July 2020. MVA staff will not have access to electronic vital records until the new system is in place.

The Maryland Health Care Commission designated the Chesapeake Regional Information System for our Patients (CRISP) as the statewide HIE in 2009, and the infrastructure became operational in 2010. An HIE allows clinical information to move electronically among disparate health information systems. CRISP offers tools aimed at improving the facilitation of care for the region's health care providers.

Local Fiscal Effect: The Maryland Association of County Health Officers (MACHO) advises that LHDs already document the steps involved in issuing a birth certificate. Additionally, this process is limited to only a few staff in order to meet security protocols and ensure the integrity of vital statistics records.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2019
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