

SENATE BILL 112

C3

01r0047

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Maryland Insurance Administration)**

Requested: September 16, 2019

Introduced and read first time: January 8, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Health Information – Disclosures Between Carriers**

3 FOR the purpose of requiring a carrier to disclose protected health information to another
4 carrier for certain activities under certain circumstances; requiring any request for
5 or disclosure of protected health information to comply with certain federal laws and
6 regulations; defining certain terms; and generally relating to the disclosure of health
7 information between health insurance carriers.

8 BY adding to

9 Article – Insurance

10 Section 15–1412

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2019 Supplement)

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

15 **Article – Insurance**

16 **15–1412.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) “HEALTH CARE OPERATIONS” HAS THE MEANING STATED IN 45**
20 **C.F.R. § 164.501.**

21 **(3) “PROTECTED HEALTH INFORMATION” HAS THE MEANING STATED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IN 45 C.F.R. § 160.103.

2 (B) ON REQUEST AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, A
3 CARRIER SHALL DISCLOSE PROTECTED HEALTH INFORMATION TO ANOTHER
4 CARRIER FOR HEALTH CARE OPERATIONS ACTIVITIES OF THE CARRIER THAT
5 RECEIVES THE PROTECTED HEALTH INFORMATION IF:

6 (1) EACH CARRIER HAS OR HAD A RELATIONSHIP WITH THE
7 INDIVIDUAL WHO IS THE SUBJECT OF THE PROTECTED HEALTH INFORMATION TO BE
8 DISCLOSED;

9 (2) THE PROTECTED HEALTH INFORMATION RELATES TO THE
10 RELATIONSHIP BETWEEN THE INDIVIDUAL WHO IS THE SUBJECT OF THE
11 PROTECTED HEALTH INFORMATION AND THE CARRIER THAT RECEIVES THE
12 PROTECTED HEALTH INFORMATION; AND

13 (3) THE DISCLOSURE IS LIMITED TO PROTECTED HEALTH
14 INFORMATION THAT RELATES TO CASE MANAGEMENT AND CARE COORDINATION
15 ACTIVITIES PROVIDED TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE
16 PROTECTED HEALTH INFORMATION.

17 (C) ANY REQUEST FOR OR DISCLOSURE OF PROTECTED HEALTH
18 INFORMATION MUST COMPLY WITH:

19 (1) THE FEDERAL HEALTH INSURANCE PORTABILITY AND
20 ACCOUNTABILITY ACT OF 1996 AND THE CORRESPONDING PRIVACY AND SECURITY
21 REGULATIONS, INCLUDING:

22 (I) THE STANDARDS FOR USES AND DISCLOSURES OF
23 PROTECTED HEALTH INFORMATION ESTABLISHED IN 45 C.F.R. § 164.502;

24 (II) FOR THE REQUESTING CARRIER, THE IMPLEMENTATION
25 SPECIFICATIONS ESTABLISHED IN 45 C.F.R. § 164.514(D)(1); AND

26 (III) FOR THE DISCLOSING CARRIER, THE IMPLEMENTATION
27 SPECIFICATIONS ESTABLISHED IN 45 C.F.R. § 164.514(D)(3) AND (5); AND

28 (2) THE FEDERAL HEALTH INFORMATION TECHNOLOGY FOR
29 ECONOMIC AND CLINICAL HEALTH ACT OF 2009.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2020.