

HB1510 - Senate_FAV_MedChi_Medical Records - Notic

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Position: FAV



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Senate Finance Committee
March 25, 2025
House Bill 1510 – *Medical Records – Notice of Destruction – Method*
POSITION: SUPPORT

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, supports House Bill 1510.

House Bill 1510 remedies an issue with legislation passed in the 2024 Session addressing the destruction of medical records. Under the current law, if medical records are going to be destroyed, notice must be sent to patients by BOTH first-class mail and by email to the last known address of the patient. Email was added to the law in 2024 in place of running an ad in a local newspaper, which was a much-needed update to the statute. Providers were also required by the 2024 legislation to keep records for 7 years instead of 5 years.

However, requiring notice by both first-class mail and email is unnecessarily expensive when hundreds or thousands of notices are being sent, and unnecessarily onerous when a patient has a known and valid email address. House Bill 1510 allows notice to be sent by either method.

Furthermore, following the adoption of the 2024 legislation, several mental health providers raised concerns about the current requirement that notice be sent by first-class mail. Many patients seek mental health counseling without informing other members of their household. But by requiring mailed notice from the mental health provider to the patient, other members of the household may become aware of the patient's relationship with the provider. Email better protects the patient's privacy.

For these reasons, MedChi requests that House Bill 1510 be adopted.

For more information call:

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HB1510 Notice Records Destruction Crossover.Oppose

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March 21, 2025

TO: The Honorable Pamela Beidle, Chair
Senate Finance Committee

FROM: Irnise F. Williams, Deputy Director, Health Education and Advocacy Unit

RE: House Bill 1510- Medical Records – Notice of Destruction – Method
- **OPPOSE**

The Health Education and Advocacy Unit opposes House Bill 1510. HB1510 would eliminate the requirement for notice of the destruction of medical records to be provided by both email **and** first-class mail to consumers and, instead, permit notice by either method. This elimination of an important consumer protection could lead to consumers missing out on the opportunity to retrieve their medical records before they are no longer accessible. It is not uncommon for providers to seek an email address from consumers, but providing that information does not mean that consumers elect to receive important communications electronically. At a minimum, email notification about important consumer rights should be consented to by the consumer before becoming a default means of communication. *See*, Insurance § 27.601.2 – establishing parameters for notice by electronic means.

And, although email is a widely used form of communication for many consumers, the volume of emails that some consumers receive causes them to miss important communications, particularly those they aren't expecting such as an email from a medical provider they may not have recently seen. It is also not uncommon for emails to end up in a spam folder.

Providing a consumer who has consented to receive electronic notices with two formats of the notice of destruction is a reasonable standard that should not be eliminated. While we understand there is a cost associated with mailing notice, once medical records are destroyed there is no opportunity for consumers to be able to retrieve their records and this could impact consumers' treatments, prescriptions and other healthcare needs. Should the Committee wish to eliminate costs or address other concerns, at a minimum, we urge the Committee to amend the bill to ensure that consumers have affirmatively elected to receive email communications regarding record destruction. An amendment is attached.

cc: The Honorable Jesse T. Pippy
The Honorable Terri L. Hill
The Honorable Kenneth Kerr

HEAU AMENDMENT

Amendment No. 1

On page 2, on line 14, after "(ii)" INSERT "SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,"

Amendment No. 2

On page 2, at the end of line 18, INSERT "(III) THE NOTICE MAY NOT BE DELIVERED BY ELECTRONIC MAIL UNLESS THE RECIPIENT IDENTIFIED IN SUBPARAGRAPH (II) HAS AGREED TO RECEIVED SUCH NOTICES BY THAT METHOD OF DELIVERY AND HAS NOT WITHDRAWN THAT CONSENT."