

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 149

(Delegate Pippy, *et al.*)

Health and Government Operations

Finance

Medical Records - Destruction - Notice and Retrieval

This bill prohibits a health care provider from destroying a medical record, laboratory report, or x-ray report about a patient for 7 years after the report or record is made (rather than 5 years under current law or, for a minor patient, the later of 3 years after the patient reaches majority or 5 years as under current law). A specified notice must be sent by first-class mail (as specified under current law) and email to the last known email address of the patient (or a minor patient’s parent/guardian with limited exception). The health care provider must make the record or report available for retrieval by the patient or the patient’s parent/guardian within 60 days (rather than 30 days under current law) before the date of destruction at the location designated in the specified notice. The bill also corrects terminology.

Fiscal Summary

State Effect: While the bill has an operational impact on the Maryland Department of Health (MDH) to update records retention schedules for all MDH hospitals and facilities, MDH can likely implement such changes using existing budgeted resources. Revenues are not affected.

Local Effect: To the extent that a local health department does not have the capacity to retain records for a longer period of time and does not utilize the authorization to destroy records after providing a specified notice expenditures increase to store additional medical records for a longer period of time. Any effect is anticipated to be minimal. Revenues are not affected.

Small Business Effect: Potential minimal. To the extent that a small business health care provider does not utilize the authorization to destroy records after providing a specified notice, records must be stored for a longer period of time.

Analysis

Current Law: A health care provider is prohibited from destroying a medical record, laboratory report, or x-ray report about (1) a patient for five years after the record or report is made or (2) a minor patient for three years after the patient reaches the age of majority or five years after the record or report is made, whichever is later.

A health care provider may destroy a medical record sooner if the patient, a minor patient's parent/guardian, or, in specified limited circumstances, the minor patient is notified. The notice must be made by first class mail to the last known address of the patient, include the date on which the record will be destroyed, and include a statement that the record or a synopsis of the record, if wanted, must be retrieved at a designated location within 30 days of the proposed date of destruction.

A health care provider or any other person who knowingly violates medical record destruction provisions is liable for actual damages. A health care facility, provider, or its agent, employee, officer, or director that violates medical record maintenance and destruction provisions is subject to an administrative fine up to \$10,000 for all violations cited in a single day.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 5, 2024
km/jc Third Reader - March 19, 2024
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