BY: Finance Committee

<u>AMENDMENTS TO SENATE BILL NO. 702</u>
(First Reading File Bill)

<u>AMENDMENT NO. 1</u>

On page 1, in the sponsor line, strike "and Young" and substitute "<u>,Young, Derr, Dorman,</u> <u>Hafer, Hollinger, Madden, Pica, and Trotter</u>"; in line 2, strike "Health Care Access and Cost Commission" and substitute "<u>Medical Records</u>"; in lines 2 and 3, strike "- Notice and Informed Consent" and substitute "<u>and Disclosure of Medical Records</u>"; strike lines 4 through 13 in their entirety and substitute:

"<u>FOR the purpose of establishing a certain limitation on the collection of a certain demographic</u>
<u>characteristic of patients contained in the Maryland medical care data base; prohibiting the</u>
<u>Health Care Access and Cost Commission from collecting certain data for patient encounters</u>
<u>for which the patients elect to self-pay rather than seek reimbursement by certain payors;</u>
<u>altering the type of damages related to the disclosure of medical records for which a health</u>
<u>care provider or other person is liable under certain circumstances; increasing certain</u>
<u>penalties relating to the confidentiality of medical records; requiring a certain workgroup of</u>
<u>the Commission to hold certain public hearings related to data collection; requiring the</u>
<u>Commission to make a certain report; and generally relating to medical records and the</u>
<u>collection of data for the Maryland medical care data base.</u>";

and in line 16, strike "19-1507" and substitute "<u>4-309 and 19-1507</u>".

<u>AMENDMENT NO. 2</u>

On page 1, after line 21, insert:

"<u>4-309.</u>

(a) <u>If a health care provider knowingly refuses to disclose a medical record within a</u>
<u>reasonable time after a person in interest requests the disclosure, the health care provider is liable for</u>

(Over)

[actual] damages.

(b) A health care provider or any other person is in violation of this subtitle if the health care provider or any other person:

(1) Requests or obtains a medical record under false pretenses or through deception; or

(2) Discloses a medical record in violation of this subtitle.

(c) A health care provider or any other person who knowingly and willfully violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [$1,000] $5,000 for the first offense, NOT EXCEEDING $10,000 FOR THE SECOND OFFENSE, and not exceeding [$5,000] $25,000 for each subsequent conviction for a violation of any provision of this subtitle.

(d) A health care provider or any other person who knowingly violates any provision of this subtitle is liable for [actual] damages.".

AMENDMENT NO. 3
On page 1, in line 28, strike "Collect" and substitute "EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, COLLECT".

On page 2, in lines 1 and 2, strike "EXCLUDING THE PATIENT'S MONTH AND DAY OF BIRTH" and substitute "EXCEPT THAT THE DATE OF BIRTH OF A PATIENT MAY NOT CONTAIN MORE THAN THE MONTH AND YEAR OF BIRTH".

AMENDMENT NO. 4
On page 2, strike lines 15 through 34 in their entirety and substitute:

"(C) THE COMMISSION MAY NOT COLLECT ANY DATA UNDER THIS SECTION FOR ANY PATIENT ENCOUNTER FOR WHICH THE PATIENT ELECTS TO SELF-PAY RATHER THAN SEEK REIMBURSEMENT BY A PAYOR.";

and in lines 35 and 36, strike "NOTICE OF COLLECTION, INFORMED CONSENT, AND".

<u>AMENDMENT NO. 5</u>
On page 3, after line 33, insert:

"<u>SECTION 2. AND BE IT FURTHER ENACTED, That the Privacy and Confidentiality</u>
<u>Workgroup of the Health Care Access and Cost Commission shall hold one or more public hearings</u>
<u>on the subject of confidentiality of patient-specific data collected by the Commission for the medical</u>
<u>care data base. The Privacy and Confidentiality Workgroup shall consider public testimony in</u>
<u>developing recommendations to the Commission. After receiving recommendations from the</u>
<u>Privacy and Confidentiality Workgroup, the Commission shall hold one or more additional public</u>
<u>hearings. The Commission shall report its findings and recommendations to the Senate Finance</u>
<u>Committee and the House Environmental Matters Committee by January 1, 1997.</u>";

and in line 34, strike "2." and substitute "<u>3.</u>".