
By: Delegates Kelly, Boston, M. Burns, Crumlin, Cummings, Donoghue, Dypski, Eckardt, Exum, Kach, Kirk, Krysiak, Love, Minnick, McClenahan, V. Mitchell, Mossburg, Redmer, Schade, and Walkup

Introduced and read first time: January 31, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Access and Cost Commission - Medical Care Data Base Collection - Notice**
3 **and Informed Consent**

4 FOR the purpose of requiring that a certain notice regarding data collection for the
5 Maryland medical care data base be provided to patients under certain
6 circumstances; requiring that the informed consent of a patient be obtained prior to
7 collection of the data; providing for a certain exception; specifying the affect of the
8 informed consent on any rights or privileges of a patient regarding the data and
9 treatment and payment for treatment by certain persons; requiring the Health Care
10 Access and Cost Commission to adopt certain regulations; and generally relating to
11 requiring a certain notice to be provided to a patient and the receipt of the
12 informed consent of a patient prior to collection of certain data for the Maryland
13 medical care data base.

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 19-1507
17 Annotated Code of Maryland
18 (1990 Replacement Volume and 1995 Supplement)

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

21 **Article - Health - General**

22 19-1507.

23 (a) The Commission shall establish a Maryland medical care data baseto compile
24 statewide data on health services rendered by health care practitionersand office
25 facilities selected by the Commission.

26 (b) In addition to any other information the Commission may require by
27 regulation, the medical care data base shall:

28 (1) Collect for each type of patient encounter with a health care practitioner
29 or office facility designated by the Commission:

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1 (i) The demographic characteristics of the patient, EXCLUDING THE
2 PATIENT'S MONTH AND DAY OF BIRTH;

3 (ii) The principal diagnosis;

4 (iii) The procedure performed;

5 (iv) The date and location of where the procedure was performed;

6 (v) The charge for the procedure;

7 (vi) If the bill for the procedure was submitted on an assigned or
8 nonassigned basis; and

9 (vii) If applicable, a health care practitioner's universal identification
10 number;

11 (2) Collect appropriate information relating to prescription drugs for each
12 type of patient encounter with a pharmacist designated by the Commission; and

13 (3) Collect appropriate information relating to health care costs, utilization,
14 or resources from payors and governmental agencies.

15 (C) (1) PATIENTS WHOSE DATA IS TO BE COLLECTED UNDER THIS SECTION
16 SHALL BE NOTIFIED AT THE TIME OF TREATMENT THAT DATA WILL BE COLLECTED
17 IN ACCORDANCE WITH THIS SECTION IN THE MANNER REQUIRED BY THE
18 COMMISSION BY REGULATION.

19 (2) (I) DATA CONCERNING A PATIENT MAY NOT BE COLLECTED
20 UNLESS THE PATIENT IS NOTIFIED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS
21 SUBSECTION AND THE PATIENT PROVIDES INFORMED CONSENT FOR COLLECTION
22 OF THE DATA.

23 (II) IF, BY VIRTUE OF THE PHYSICAL OR MENTAL CONDITION OF
24 THE PATIENT, THE PATIENT IS NOT ABLE TO PROVIDE INFORMED CONSENT UNDER
25 SUBPARAGRAPH (I) OF THIS PARAGRAPH, ANY OTHER PERSON THAT HAS
26 AUTHORITY TO CONSENT TO MEDICAL CARE FOR THE PATIENT AS PROVIDED
27 UNDER § 5-605 OF THIS ARTICLE OR AS OTHERWISE AUTHORIZED BY LAW MAY
28 PROVIDE CONSENT FOR THE COLLECTION OF THE DATA.

29 (III) THE INFORMED CONSENT OR SUBSTITUTE CONSENT
30 PROVIDED UNDER THIS PARAGRAPH DOES NOT CONSTITUTE A WAIVER OF ANY
31 PRIVILEGE THAT WOULD OTHERWISE APPLY TO THE DATA AND THE DENIAL OF
32 CONSENT BY THE PATIENT TO THE COLLECTION OF THE DATA MAY NOT BE A BASIS
33 FOR REFUSAL OF TREATMENT BY A HEALTH CARE PRACTITIONER OR DENIAL OF
34 PAYMENT FOR THE TREATMENT PROVIDED BY A PAYOR.

35 [(c)] (D) (1) The Commission shall adopt regulations governing NOTICE OF
36 COLLECTION, INFORMED CONSENT, AND the access and retrieval of all medical claims
37 data and other information collected and stored in the medical care data base and any
38 claims clearinghouse licensed by the Commission and may set reasonable fees covering
39 the costs of accessing and retrieving the stored data.

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1 (2) These regulations shall ensure that confidential or privileged patient
2 information is kept confidential.

3 (3) Records or information protected by the privilege between a health care
4 practitioner and a patient, or otherwise required by law to be held confidential, shall be
5 filed in a manner that does not disclose the identity of the person protected.

6 [(d)] (E) (1) To the extent practicable, when collecting the data required under
7 subsection (b) of this section, the Commission shall utilize any standardized claim form or
8 electronic transfer system being used by health care practitioners, office facilities, and
9 payors.

10 (2) The Commission shall develop appropriate methods for collecting the
11 data required under subsection (b) of this section on subscribers or enrollees of health
12 maintenance organizations.

13 [(e)] (F) Until the provisions of § 19-1508 of this subtitle are fully implemented,
14 where appropriate, the Commission may limit the data collection under this section.

15 [(f)] (G) By October 1, 1995 and each year thereafter, the Commission shall
16 publish an annual report on those health care services selected by the Commission that:

17 (1) Describes the variation in fees charged by health care practitioners and
18 office facilities on a statewide basis and in each health service area for those health care
19 services; and

20 (2) Describes the geographic variation in the utilization of those health care
21 services.

22 [(g)] (H) In developing the medical care data base, the Commission shall consult
23 with:

24 (1) Representatives of health care practitioners, payors, and hospitals; and

25 (2) Representatives of the Health Services Cost Review Commission and
26 the Health Resources Planning Commission to ensure that the medical care data base is
27 compatible with, may be merged with, and does not duplicate information collected by the
28 Health Services Cost Review Commission hospital discharge data base, or data collected
29 by the Health Resources Planning Commission as authorized in § 19-107 of this title.

30 (i) The Commission, in consultation with the Insurance Commissioner, payors,
31 health care practitioners, and hospitals, may adopt by regulation standards for the
32 electronic submission of data and submission and transfer of the uniform claims forms
33 established under Article 48A, § 490P of the Code.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1996.