

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 834 (Delegate Kelly, *et al.*)
Environmental Matters

The Patients' Consent Act

This bill requires that patients whose data is to be collected as part of the Health Care Access and Cost Commission's (HCACC) medical care data base be notified at the time of the initial patient encounter that data will be collected. It prohibits data from being collected unless the patient (or a person authorized to consent to the patient's medical care) is notified and provides consent. The consent does not constitute a waiver of any privilege that would otherwise apply to the data and failure of the patient to consent may not be a basis for refusal of treatment by a health care practitioner or denial of payment by a payor. HCACC is required to adopt regulations governing the notice of medical data collection and consent. The regulations must provide for: (1) a standard notice and consent form; (2) the right of a patient to revoke consent at any time if the revocation is made in writing; and (3) the security of the consent forms at the same time and in the same manner as the security of consent forms for medical treatment and insurance payments.

The bill further specifies that the demographic characteristics of the patient are to exclude the patient's month and day of birth, social security number, and last two digits of a patient's U.S. postal service zip code.

Fiscal Summary

State Effect: Special fund expenditures would increase by \$3,000 in FY 1998 only. Revenues would not be affected.

Local Effect: None.

Small Business Effect: Potential meaningful effect on small business as discussed below.

Fiscal Analysis

Background: The Health Care Access and Cost Commission is required by statute (Health Care and Insurance Reform Act of 1993) to establish a medical care data base for non-hospital health services.

State Expenditures: Special fund expenditures for HCACC would increase by \$3,000 in fiscal 1998. This is a one-time cost for designing the consent form. This estimate assumes that physicians would be responsible for printing and distributing the consent forms. In addition, it assumes that carriers would be responsible for securing the consent forms since they are currently responsible for securing the medical data collected.

Small Business Effect: Administrative costs for small business physicians groups/practices would increase by an indeterminate but potentially significant amount if they have to bear the cost of printing and distributing the consent forms.

Information Source(s): Department of Health and Mental Hygiene (Health Resources Planning Commission, Health Care Access and Cost Commission); Department of Fiscal Services

Fiscal Note History: First Reader - March 10, 1997
ncs

Analysis by: Lina Walker
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710