
By: **Delegates Bobo, Frush, Hubbard, Moe, Nathan-Pulliam, Pendergrass,
Pitkin, and Turner**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Personal Medical Records - Ownership and Transfer of Records**

3 FOR the purpose of specifying that a personal medical record is the property of the
4 patient; requiring a health care facility or a health care provider to transfer a
5 personal medical record to the patient and certain other individuals on written
6 request; specifying that certain requests for transfer of personal medical records
7 shall be in writing; permitting a health care facility or a health care provider to
8 make copies of a personal medical record for certain purposes; authorizing
9 certain individuals to request the transfer of a personal medical record;
10 authorizing certain individuals to request the return of a transferred personal
11 medical record; defining a certain term; and generally relating to the ownership
12 and transfer of personal medical records.

13 BY adding to
14 Article - Health - General
15 Section 4-404, 4-405, and 4-406
16 Annotated Code of Maryland
17 (2000 Replacement Volume)

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

20 **Article - Health - General**

21 4-404.

22 (A) IN THIS SUBTITLE, "PERSONAL MEDICAL RECORD" MEANS:

23 (1) ANY REPORTS, NOTES, ORDERS, PHOTOGRAPHS, X-RAYS, OR OTHER
24 RECORDED DATA OR INFORMATION, WHETHER MAINTAINED IN WRITTEN,
25 ELECTRONIC, OR OTHER FORM, THAT IS RECEIVED OR PRODUCED BY:

26 (I) A HEALTH CARE FACILITY;

27 (II) A PROVIDER OF HEALTH CARE; OR

1 (III) AN EMPLOYEE OF A HEALTH CARE FACILITY OR A HEALTH
2 CARE PROVIDER; AND

3 (2) INFORMATION RELATING TO A PATIENT'S:

4 (I) MEDICAL HISTORY;

5 (II) EXAMINATION;

6 (III) DIAGNOSIS; OR

7 (IV) TREATMENT.

8 (B) A PATIENT IS THE OWNER OF THE PATIENT'S PERSONAL MEDICAL
9 RECORD.

10 4-405.

11 (A) A HEALTH CARE FACILITY OR A HEALTH CARE PROVIDER, UPON RECEIPT
12 OF A WRITTEN REQUEST, SHALL TRANSFER AN ORIGINAL PERSONAL MEDICAL
13 RECORD IN ITS ENTIRETY TO THE INDIVIDUAL MAKING THE REQUEST IF THE
14 INDIVIDUAL IS:

15 (1) THE PATIENT WHO IS THE SUBJECT OF THE PERSONAL MEDICAL
16 RECORD;

17 (2) THE LEGAL REPRESENTATIVE OF THE PATIENT;

18 (3) A CUSTODIAN DESIGNATED IN WRITING BY THE PATIENT; OR

19 (4) IN THE CASE OF A MINOR, A PARENT OR LEGAL GUARDIAN OF THE
20 MINOR, OR A MINOR'S CUSTODIAN DESIGNATED IN WRITING BY A PARENT OR LEGAL
21 GUARDIAN.

22 (B) PRIOR TO THE TRANSFER OF A PERSONAL MEDICAL RECORD TO AN
23 INDIVIDUAL LISTED UNDER SUBSECTION (A) OF THIS SECTION, A HEALTH CARE
24 FACILITY OR A HEALTH CARE PROVIDER MAY COPY THE PERSONAL MEDICAL
25 RECORD OR A PORTION OF THE PERSONAL MEDICAL RECORD FOR PROFESSIONAL
26 PURPOSES.

27 4-406.

28 (A) AN INDIVIDUAL LISTED UNDER § 4-405(A) OF THIS SUBTITLE HAS THE
29 RIGHT TO:

30 (1) REQUEST THAT A PERSONAL MEDICAL RECORD BE TRANSFERRED TO
31 ANOTHER HEALTH CARE FACILITY OR HEALTH CARE PROVIDER; AND

32 (2) REQUEST THAT A RECORD THAT HAS BEEN TRANSFERRED TO
33 ANOTHER HEALTH CARE FACILITY OR HEALTH CARE PROVIDER BE RETURNED TO
34 THE INDIVIDUAL.

1 (B) A REQUEST MADE UNDER SUBSECTION (A) OF THIS SECTION SHALL BE IN
2 WRITING.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2001.