

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 569 (Senator Hollinger)

Economic and Environmental Affairs

Environmental Matters

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**Medical Records - Maintenance and Destruction - Confidentiality**

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This bill requires the Secretary of Health and Mental Hygiene, after consulting with the Association of Maryland Hospitals and Health Systems, the Maryland State Medical Society, and other interested parties, to adopt regulations governing the destruction of medical records. The regulations must specify the manner in which a health care provider must maintain and store medical records to ensure confidentiality and provide limited access to the records until they are destroyed. The regulations: (1) must ensure that the method of destruction renders the medical records unreadable; (2) cannot encourage or require destruction of medical records; and (3) cannot be inconsistent with any provision of law applicable to the maintenance or destruction of medical records.

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.

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**Fiscal Summary**

**State Effect:** The adoption and enforcement of regulations could be handled with existing Department of Health and Mental Hygiene budgeted resources. The administrative penalty provisions of this bill are not expected to significantly affect State finances or operations.

**Local Effect:** Adhering to medical destruction and confidentiality provisions could be handled with existing local government resources.

**Small Business Effect:** Minimal. Small business health care providers could be subject to administrative fines if they violate medical record destruction and confidentiality provisions.

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## Analysis

**Current Law:** In general, a health care provider cannot destroy a patient's medical record or laboratory or X-ray report for five years after the record is made, unless the health care provider notifies the patient of the destruction of medical records and provides sufficient time for the patient to retrieve the records before destruction. A health care provider or other person who knowingly violates medical record destruction provisions is liable for actual damages.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene (Boards and Commissions, Office of Health Care Quality), Prince George's County, Talbot County, Montgomery County, Allegeny County, Department of Legislative Services

**Fiscal Note History:** First Reader – March 8, 2001  
ncs/jr Revised – Senate Third Reader – March 21, 2001  
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Analysis by: Susan D. John

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510