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By: **Chairman, Health and Government Operations Committee (By Request  
- Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 4, 2004

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Disease Prevention - Laboratory Examination Reports**

3 FOR the purpose of clarifying the requirement for the director of a medical laboratory  
4 in the State to submit a report to a certain local health officer on certain  
5 diseases or conditions; requiring the director of an out-of-state medical  
6 laboratory to submit a report to the Secretary of Health and Mental Hygiene on  
7 certain diseases or conditions under certain circumstances; requiring the  
8 Secretary to inform a certain local health officer about a certain report from an  
9 out-of-state medical laboratory; adding certain diseases to the list of diseases  
10 and conditions required to be reported; and generally relating to laboratory  
11 reporting of certain diseases and conditions.

12 BY repealing and reenacting, with amendments,  
13 Article - Health - General  
14 Section 18-205  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2003 Supplement)

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

19 **Article - Health - General**

20 18-205.

21 (a) In this section, "invasive disease" means a disease in which an organism is  
22 detected in a specimen taken from a normally sterile body site.

23 (b) (1) The director of a medical laboratory LOCATED IN THIS STATE shall  
24 submit a report to the health officer for the county where the laboratory is located  
25 within 48 hours after an examination of a HUMAN specimen [from a human body]  
26 shows evidence of any [of the following:] DISEASE OR CONDITION LISTED IN  
27 SUBSECTION (C) OF THIS SECTION.

1           (2)     THE DIRECTOR OF A MEDICAL LABORATORY LOCATED OUTSIDE OF  
2 THIS STATE THAT PERFORMS A MEDICAL LABORATORY TEST ON A HUMAN SPECIMEN  
3 ACQUIRED FROM A PERSON IN THIS STATE SHALL SUBMIT A REPORT TO THE  
4 SECRETARY WITHIN 48 HOURS AFTER AN EXAMINATION OF THAT SPECIMEN SHOWS  
5 EVIDENCE OF ANY DISEASE OR CONDITION LISTED IN SUBSECTION (C) OF THIS  
6 SECTION.

7     (C)     THE DISEASES OR CONDITIONS REPORTABLE BY A MEDICAL LABORATORY  
8 DIRECTOR UNDER THIS SECTION ARE:

- 9           (1)     Amoebiasis.
- 10          (2)     Anthrax.
- 11          (3)     ARBOVIRUS INFECTION (ALL TYPES).
- 12          [(3)]    (4)     Bacteremia in newborns.
- 13          [(4)]    (5)     Botulism.
- 14          [(5)]    (6)     Brucellosis.
- 15          [(6)]    (7)     Campylobacter infection.
- 16          [(7)]    (8)     CD 4+ count, if less than 200/MM3.
- 17          [(8)]    (9)     Chlamydia infection.
- 18          [(9)]    (10)    Cholera.
- 19          [(10)]   (11)    Coccidioidomycosis.
- 20          [(11)]   (12)    Cryptosporidiosis.
- 21          [(12)]   (13)    Cyclosporiasis.
- 22          [(13)]   (14)    Dengue fever.
- 23          [(14)]   (15)    Diphtheria.
- 24          [(15)]   (16)    Ehrlichiosis.
- 25          [(16)]   (17)    Encephalitis, infectious.
- 26          [(17)]   (18)    E. Coli 0157:H7 infection.
- 27          [(18)]   (19)    Giardiasis.
- 28          [(19)]   (20)    Gonorrhea.
- 29          [(20)]   (21)    Haemophilus influenzae, invasive disease.

1	[(21)]	(22)	Hansen disease (leprosy).
2	[(22)]	(23)	Hantavirus infection.
3	[(23)]	(24)	Hepatitis, viral, types A, B, C, and other types.
4	[(24)]	(25)	Human immunodeficiency virus infection.
5	[(25)]	(26)	Isosporiasis.
6	[(26)]	(27)	Legionellosis.
7	[(27)]	(28)	Leptospirosis.
8	[(28)]	(29)	Listeriosis.
9	[(29)]	(30)	Lyme disease.
10	[(30)]	(31)	Malaria.
11	[(31)]	(32)	Measles.
12	[(32)]	(33)	Meningococcal invasive disease.
13	[(33)]	(34)	Meningitis, infectious.
14	[(34)]	(35)	Microsporidiosis.
15	[(35)]	(36)	Mumps.
16	[(36)]	(37)	Pertussis.
17	(38)		PESTICIDE RELATED ILLNESS.
18	[(37)]	(39)	Plague.
19	[(38)]	(40)	Poliomyelitis.
20	[(39)]	(41)	Psittacosis.
21	[(40)]	(42)	Q fever.
22	[(41)]	(43)	Rabies.
23	[(42)]	(44)	Ricin toxin.
24	[(43)]	(45)	Rocky Mountain spotted fever.
25	[(44)]	(46)	Rubella and congenital rubella syndrome.
26	[(45)]	(47)	Salmonellosis (nontyphoid fever types).

- 1 (48) SEVERE ACUTE RESPIRATORY SYNDROME.
- 2 [(46)] (49) Shiga-like toxin production.
- 3 [(47)] (50) Shigellosis.
- 4 [(48)] (51) Smallpox and other orthopox viruses.
- 5 [(49)] (52) Staphylococcal enterotoxin.
- 6 [(50)] (53) Streptococcal invasive disease, group A.
- 7 [(51)] (54) Streptococcal invasive disease, group B.
- 8 [(52)] (55) Streptococcus pneumoniae, invasive disease.
- 9 [(53)] (56) Syphilis.
- 10 [(54)] (57) Trichinosis.
- 11 [(55)] (58) Tuberculosis.
- 12 [(56)] (59) Tularemia.
- 13 [(57)] (60) Typhoid fever.
- 14 [(58)] (61) Varicella (chickenpox), fatal cases only.
- 15 [(59)] (62) Vibriosis, noncholera.
- 16 [(60)] (63) Viral hemorrhagic fevers (all types).
- 17 [(61)] (64) Yellow fever.
- 18 [(62)] (65) Yersiniosis.
- 19 [(c)] (D) (1) When more than 1 specimen is taken from a patient during 1  
20 disease episode, the director of the medical laboratory need not report every test  
21 result of a specimen that shows evidence of the same disease in that patient if:
- 22 (i) At least 1 positive test result is reported; and
- 23 (ii) The health officer has approved the reporting of less than all  
24 test results.
- 25 (2) The director of the medical laboratory need not report vibriosis,  
26 noncholera, under subsection [(b)(59)] (C)(62) of this section if the disease is found in  
27 a specimen obtained from the patient's teeth, gingival tissues, or oral mucosa.
- 28 [(d)] (E) The report shall:

1 (1) Be either in the form that the Department prescribes or on the form  
2 that the Department provides; and

3 (2) State AT A MINIMUM:

4 (i) The date, type, and result of the test that shows evidence of a  
5 disease required to be reported;

6 (ii) 1. Except as provided in item 2 of this item, the name, age,  
7 sex, and residence address of the patient from whom the specimen was taken; and

8 2. For reports of human immunodeficiency virus infection  
9 and CD 4+ count under 200/MM3, the unique patient identifying number, age, sex,  
10 and zip code of residence of the patient; and

11 (iii) The name and address of the physician who requested the test.

12 [(e)] (F) This section does not relieve an attending physician of the duty to  
13 report under § 18-201 of this subtitle.

14 [(f)] (G) (1) A health officer shall inform the Secretary of each laboratory  
15 examination report received under SUBSECTION (B)(1) OF this section.

16 (2) THE SECRETARY SHALL INFORM THE HEALTH OFFICER OF THE  
17 JURISDICTION WHERE THE PATIENT RESIDES OF A LABORATORY EXAMINATION  
18 REPORT RECEIVED UNDER THIS SECTION FROM A MEDICAL LABORATORY LOCATED  
19 OUTSIDE THIS STATE.

20 [(g)] (H) The Secretary, a health officer, or an agent of the Secretary or health  
21 officer may discuss a laboratory report with the attending physician, but, if the  
22 physician is reasonably available, may communicate with a patient only with the  
23 consent of the attending physician.

24 [(h)] (I) (1) All laboratory reports required under this section are:

25 (i) Confidential;

26 (ii) Not open to public inspection; and

27 (iii) Subject to subpoena or discovery in a criminal or civil  
28 proceeding only pursuant to a court order sealing the court record.

29 (2) This subsection does not apply to a disclosure by the Secretary to  
30 another governmental agency performing its lawful duties as authorized by an act of  
31 the Maryland General Assembly or the United States Congress where the Secretary  
32 determines that:

33 (i) The agency to whom the information is disclosed will maintain  
34 the confidentiality of the disclosure; and

1                   (ii)       The disclosure is necessary to protect the public health or to  
2 prevent the spread of an infectious or contagious disease.

3       [(i)]       (J)       To assure compliance with this section, the Secretary, a health  
4 officer, or an agent of the Secretary or health officer may inspect pertinent laboratory  
5 records.

6       [(j)]       (K)       (1)       Except as provided in paragraph (2) of this subsection, a  
7 director of a medical laboratory, the Secretary, a health officer, or an agent of the  
8 director, Secretary, or health officer may compile or distribute a reproducible list of  
9 any of the names of patients that are in reports required under this section.

10               (2)       A director of a medical laboratory, the Secretary, a health officer, or  
11 an agent of the director, Secretary, or health officer may not compile or distribute a  
12 reproducible list of any of the names of patients in reports relating to human  
13 immunodeficiency virus infection or CD 4+ count, if less than 200/MM3.

14       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 2004.