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By: **Senators Teitelbaum, Dyson, Giannetti, Green, Greenip, and Hafer**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **State Advisory Council on Medical Privacy and Confidentiality - Guidelines**  
3 **for Patient Privacy and Confidentiality**

4 FOR the purpose of requiring the State Advisory Council on Medical Privacy and  
5 Confidentiality to develop certain guidelines for use by certain health care  
6 practitioners, hospitals, and health insurers for safeguarding patient privacy  
7 and confidentiality under certain federal law; requiring the Advisory Council to  
8 report on or before a certain date to certain committees of the General Assembly  
9 on the development of certain guidelines; and generally relating to the State  
10 Advisory Council on Medical Privacy and Confidentiality and the development  
11 of guidelines for patient privacy and confidentiality.

12 BY repealing and reenacting, with amendments,  
13 Article - Health - General  
14 Section 4-3A-05  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2004 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 4-3A-05.

21 The Advisory Council shall:

- 22 (1) Advise the General Assembly of emerging issues in the  
23 confidentiality of medical records;
- 24 (2) Conduct hearings;
- 25 (3) Monitor developments in federal law and regulations regarding:
- 26 (i) Confidentiality of medical records;

- 1 (ii) Health care information technology;
- 2 (iii) Telemedicine; and
- 3 (iv) Provider and patient communication;
- 4 (4) Facilitate dissemination of information on, and compliance with,  
5 federal standards for privacy of individually identifiable health information;

6 (5) DEVELOP GUIDELINES REGARDING THE RIGHTS AND  
7 RESPONSIBILITIES OF PHYSICIANS, OTHER MEDICAL PERSONNEL, HOSPITALS, AND  
8 HEALTH INSURERS IN THE STATE FOR SAFEGUARDING PATIENT PRIVACY AND  
9 CONFIDENTIALITY UNDER THE FEDERAL HEALTH INSURANCE PORTABILITY AND  
10 ACCOUNTABILITY ACT OF 1996;

11 [(5)] (6) Study the issue of patient or person in interest notification  
12 subsequent to:

13 (i) The transfer of records relating to the transfer of ownership of a  
14 health care practice;

15 (ii) The death, retirement, or change in employment of a health  
16 care practitioner; or

17 (iii) The sale, dissolution, or bankruptcy of a corporation which has  
18 ownership interests or possession of medical records;

19 [(6)] (7) Study medical databases and the electronic transmission of  
20 data in relation to its impact on patient confidentiality;

21 [(7)] (8) Study emerging provider best practices for supporting patient  
22 confidentiality;

23 [(8)] (9) Make recommendations to the General Assembly regarding  
24 the confidentiality of medical records; and

25 [(9)] (10) On or before December 15 of each year, shall submit an annual  
26 report and its recommendations to the Governor, and subject to § 2-1246 of the State  
27 Government Article, to the General Assembly.

28 SECTION 2. AND BE IT FURTHER ENACTED, That on or before June 30,  
29 2006, the State Advisory Council on Medical Privacy and Confidentiality shall submit  
30 a report in accordance with § 2-1246 of the State Government Article to the Senate  
31 Education, Health, and Environmental Affairs Committee, the Senate Finance  
32 Committee, and the House Health and Government Operations Committee on the  
33 guidelines developed under § 4-3A-05(5) of the Health - General Article, as enacted  
34 by Section 1 of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
36 effect July 1, 2005.

