

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1020 (Delegate Bobo, *et al.*)
Health and Government Operations

Health Care Practices and Facilities - Closure - Patient Medical Records

This bill requires an owner of a health care practice or facility that decides to close the practice or facility to send a written notice to each patient at least 30 days before closure that includes: (1) a statement that the practice or facility is closing; (2) the date on which it will be closed; (3) a statement that the patient has 30 days to retrieve the patient's medical records from the practice or facility; and (4) instructions regarding the retrieval of medical records if a patient is unable to retrieve them within the 30-day timeframe.

The bill provides that a health care provider or any other person is in violation of current law regarding medical records if the provider fails to send a written notice to each patient concerning the retrieval of medical records at least 30 days before the closing of a practice or facility.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues due to the bill's penalty provisions.

Small Business Effect: Minimal.

Analysis

Current Law: A health care provider must keep the medical record of a patient confidential and disclose the medical record only as specified in law. A health care

provider must disclose a medical record to a person in interest under specified circumstances. A provider is in violation of current law regarding medical records if the provider: (1) requests or obtains a medical record under false pretenses or through deception; or (2) improperly discloses a medical record.

A provider who knowingly and willfully violates any provision regarding medical records is guilty of a misdemeanor and subject to a fine of up to \$1,000 for the first offense and \$5,000 for each subsequent conviction.

State Revenues: General fund revenues could increase minimally for those cases heard in the District Court as a result of the bill's broadening the medical record requirements that are subject to monetary penalty provisions.

Local Revenues: Revenues could increase minimally for those cases heard in the circuit courts as a result of the bill's broadening the medical record requirements that are subject to monetary penalty provisions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Board of Nursing, Board of Physicians), Department of Legislative Services

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ncs/jr

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