

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1500 (Delegate Boteler, *et al.*)
Health and Government Operations

Health Occupations Boards - Investigators - Confidentiality of Medical
Information and Records

This bill requires the Department of Health and Mental Hygiene to provide an individual and securable office space to each investigator for a health occupations board. In addition, each investigator has to maintain the confidentiality of all health care information and medical records obtained in the course of an investigation for a health occupations board in accordance with the federal Health Insurance Portability and Accountability Act.

Fiscal Summary

State Effect: Special fund expenditures would increase in FY 2009 and future years due to the bill's requirement that a secure office space be provided to each investigator for a health occupations board. However, the amount of the increase cannot be reliably estimated at this time.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Each of the 18 health occupations boards has defined in statute general procedures for the investigation of complaints, as well as the hearing and review process. Grounds on which a license can be denied, revoked, or suspended are relatively uniform from board to board.

The federal Health Insurance Portability and Accountability Act established guidelines on the disclosure and electronic transmission of medical records. Federal regulations implementing HIPAA include the “Privacy Rule,” which requires health care providers, health plans, and health care clearinghouses to implement certain standards to protect against misuse of individually identifiable health information.

Background: The number of investigators employed by each board varies a great deal depending on its size. The Board of Physicians for example, has 13 investigators, while the Board of Pharmacy has just one. Some of the smaller boards share an investigator who spends most of his or her time out in the field investigating cases. For example, the Boards of Acupuncture, Audiology, Podiatry, Speech-Language Pathologists, and Optometry currently share one investigator.

State Fiscal Effect: Special fund expenditures would increase in fiscal 2009 and future years to provide a secure office space to each investigator for health occupations boards that do not already supply investigators with secure office spaces. While the Board of Physicians already supplies its 13 full-time investigators with secure office spaces, the Board of Nursing advises that its investigators currently occupy cubicles. Further, investigators who work for multiple boards typically have only a cubicle space at each board since they spend little time in each office. Therefore, special fund expenditures would increase in fiscal 2009 and future years for boards that do not already supply investigators with secure office spaces and would have to convert or rent such a space for investigators, although a reliable estimate is difficult to make at this time.

In addition, it is unclear as to what constitutes an “individual and securable office space.” If having more than a locked office is required under the bill, special fund expenditures could increase further.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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