

HOUSE BILL 386

J2, J1

9lr1656

By: **Delegates Kaiser, Carr, Gutierrez, Kipke, Montgomery, Robinson, and V. Turner**

Introduced and read first time: February 2, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Patient Health Information Privacy Rights – Form and**
3 **Distribution**

4 FOR the purpose of requiring certain physicians to distribute certain information that
5 is protected by a certain privacy rule; requiring certain information to be
6 written using certain language; requiring certain physicians to post a certain
7 sign in a certain location that states certain information; defining certain terms;
8 and generally relating to physicians distributing information about patient
9 health information privacy rights.

10 BY adding to

11 Article – Health Occupations

12 Section 14–508

13 Annotated Code of Maryland

14 (2005 Replacement Volume and 2008 Supplement)

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

17 **Article – Health Occupations**

18 **14–508.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
20 MEANINGS INDICATED.

21 (2) “HIPAA” MEANS THE FEDERAL HEALTH INSURANCE
22 PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “PRIVACY RULE” MEANS THE RULE ENTITLED “STANDARDS**
2 **FOR PRIVACY OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION”**
3 **ESTABLISHING NATIONAL STANDARDS FOR THE PROTECTION OF PATIENT**
4 **HEALTH INFORMATION ADOPTED BY THE UNITED STATES DEPARTMENT OF**
5 **HEALTH AND HUMAN SERVICES AS REQUIRED BY HIPAA.**

6 **(B) (1) A LICENSED PHYSICIAN WITH A PRIVATE MEDICAL OFFICE**
7 **SHALL DISTRIBUTE TO PATIENTS INFORMATION ABOUT HOW A PATIENT’S**
8 **HEALTH INFORMATION IS PROTECTED BY THE PRIVACY RULE.**

9 **(2) THE INFORMATION DISTRIBUTED UNDER PARAGRAPH (1) OF**
10 **THIS SUBSECTION SHALL BE WRITTEN IN LANGUAGE THAT IS:**

11 **(I) EASY TO UNDERSTAND; AND**

12 **(II) FREE OF MEDICAL AND LEGAL JARGON.**

13 **(C) A LICENSED PHYSICIAN WITH A PRIVATE MEDICAL OFFICE SHALL**
14 **POST A SIGN IN A CONSPICUOUS LOCATION NEAR THE REGISTRATION DESK IN**
15 **THE OFFICE THAT STATES THAT A PATIENT HAS THE RIGHT TO OBTAIN A COPY**
16 **OF:**

17 **(1) THE PHYSICIAN’S NOTES ABOUT THE PATIENT; AND**

18 **(2) A LABORATORY REPORT ORDERED BY THE PHYSICIAN AS A**
19 **PART OF THE PATIENT’S CARE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2009.