

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 386 (Delegate Kaiser, *et al.*)
Health and Government Operations

Physicians - Patient Health Information Privacy Rights - Form and Distribution

This bill requires licensed physicians in private practice to distribute information to patients about how his or her health information is protected by the Privacy Rule under the federal Health Insurance Portability and Accountability Act (HIPAA) in language that is easy to understand and free of medical and legal jargon. Physicians in private practice also have to post a sign in a conspicuous place near the office registration desk that notifies patients of their right to obtain a copy of the physician's notes about the patient and of any laboratory report ordered by the physician as a part of the patient's care.

Fiscal Summary

State Effect: The bill's requirements do not affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: HIPAA establishes guidelines on the disclosure and electronic transmission of medical records. Federal regulations implementing the Act 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.

Under HIPAA, health care providers must provide each patient with a "Notice of Privacy Practices" at the time of his or her first visit, and must either obtain the patient's written

acknowledgement of receipt, or document why the acknowledgement was not obtained. The notice explains how a provider can use and disclose a patient's information, as well as rights the patient has regarding his or her medical information maintained by the provider.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, American Medical Association; Department of Legislative Services

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