

Department of Legislative Services  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1468 (Chair, Health and Government Operations Committee)(By  
Request - Departmental - Health and Mental Hygiene)  
Health and Government Operations Education, Health, and Environmental Affairs

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**Public Health Surveillance - Confidentiality**

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This departmental bill clarifies that reports submitted by physicians, health care institutions, and laboratories regarding a communicable disease or condition are confidential and not discoverable or admissible as evidence in any civil or criminal matter except in accordance with a court order sealing the court record. The bill does not apply to reports, information, or records that are available to the public or required to be publicly disclosed.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** All physician, hospital, and laboratory reportable disease reports are considered confidential; not open to the public; and subject to subpoena or discovery in any criminal or civil proceeding only pursuant to a court order sealing the court record. However, reports relating to Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome are not discoverable or admissible as evidence in any civil or criminal matter.

**Background:** DHMH advises that this bill is the result of proposed language discussed in a summer workgroup set up by the Office of Epidemiology and Disease Control Programs within DHMH. The workgroup was formed at the suggestion of the Chair of the House, Health, and Government Operations Committee after similar language was removed from a bill (HB 393) that passed during the 2008 session.

DHMH reports that it has been advised by the Office of the Attorney General that certain information gathered in the course of a public health investigation, including certain personal information identifying an individual is not protected under current statute. DHMH advises that, under the bill, specific information resulting from and obtained during an investigation of a report of a communicable disease or condition is confidential.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 20, 2009  
ncs/mwc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Health Surveillance

BILL NUMBER: HB 1468

PREPARED BY: Department of Health and Mental Hygiene

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.