

**SB0723/937577/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 723  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “authorizing” and substitute “requiring”; in line 5, after “persons;” insert “requiring the regulations to include protections for the secondary use of certain protected information;”; in line 8, after “regulations;” insert “establishing certain limitations on the sale of data obtained or released through a health information exchange;”; strike beginning with “payors” in line 9 down through “law” in line 13 and substitute “entities to connect to the State designated exchange and respond to certain requests for clinical information transmitted through the exchange in a certain manner; providing that a certain consent applies to information transmitted through the State designated exchange or by other means; authorizing the Commission to adopt certain regulations relating to the State designated exchange; providing for the effect of certain provisions of this Act”; and strike beginning with “change” in line 14 down through “not” in line 18.

AMENDMENT NO. 2

On page 5, in line 11, strike “MAY” and substitute “SHALL”; in line 15, strike “OR”; in line 17, after “COMMISSIONER” insert “;

**(3) A HEALTH CARE CONSUMER; OR**

**(4) ANY PERSON AUTHORIZED BY A HEALTH CARE CONSUMER TO ACT ON BEHALF OF THE HEALTH CARE CONSUMER**”;

after line 17, insert:

**“(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROTECTIONS FOR THE SECONDARY USE OF**

(Over)

PROTECTED HEALTH INFORMATION OBTAINED OR RELEASED THROUGH A HEALTH INFORMATION EXCHANGE.

(C) DATA OBTAINED OR RELEASED THROUGH A HEALTH INFORMATION EXCHANGE:

(1) MAY NOT BE SOLD FOR FINANCIAL REMUNERATION UNTIL THE REGULATIONS REQUIRED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION ARE ADOPTED; AND

(2) MAY BE SOLD FOR FINANCIAL REMUNERATION ONLY IN ACCORDANCE WITH THE REGULATIONS ADOPTED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.”;

in line 18, strike “(B)” and substitute “(D)”; in the same line, strike “ANY REGULATIONS” and substitute “REGULATIONS”; in the same line, strike “SUBSECTION (A)” and substitute “SUBSECTIONS (A) AND (B)”; in line 21, strike “OR”; in line 23, after “STAFF” insert “; OR

(3) BETWEEN A HOSPITAL AND ANCILLARY CLINICAL SERVICE PROVIDERS THAT ARE AFFILIATED WITH THE HOSPITAL AND HAVE SIGNED A BUSINESS ASSOCIATE AGREEMENT”;

in line 24, strike “(C)” and substitute “(E)”; in line 26, strike “ANY”; and in line 27, strike “SUBSECTION (A)” and substitute “SUBSECTIONS (A) AND (B)”.

AMENDMENT NO. 3

On page 5, in line 29, after “(A)” insert “(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

**(2) “STATE DESIGNATED EXCHANGE” MEANS THE HEALTH INFORMATION EXCHANGE DESIGNATED BY THE MARYLAND HEALTH CARE COMMISSION AND THE HEALTH SERVICES COST REVIEW COMMISSION UNDER § 19-143 OF THIS ARTICLE.**

**(3) “STANDARD REQUEST” MEANS A REQUEST FOR CLINICAL INFORMATION FROM A HEALTH INFORMATION EXCHANGE THAT CONFORMS TO THE MAJOR STANDARDS VERSION SPECIFIED BY THE OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.**

**(B)**”;

in line 29, after “TO” insert “:

**(1) EXCEPT FOR THE STATE DESIGNATED EXCHANGE, A HEALTH INFORMATION EXCHANGE OPERATING IN THE STATE; AND**

**(2) A**”;

and in the same line, strike the second “A”.

On page 6, in lines 1 and 3, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 5, strike “(B)” and substitute “(C)”; in the same line, strike “A PAYOR” and substitute “AN ENTITY”; strike beginning with “THAT” in line 5 down through “ARTICLE” in line 12, and substitute “**SHALL CONNECT TO THE STATE DESIGNATED EXCHANGE IN A MANNER CONSISTENT WITH APPLICABLE FEDERAL AND STATE PRIVACY LAWS**”; and after line 12, insert:

**“(D) WHEN A STANDARD REQUEST FOR CLINICAL INFORMATION IS RECEIVED THROUGH THE STATE DESIGNATED EXCHANGE, AN ENTITY TO WHICH**

(Over)

THIS SECTION APPLIES SHALL RESPOND TO THE REQUEST TO THE EXTENT AUTHORIZED UNDER FEDERAL AND STATE PRIVACY LAWS.

(E) A CONSENT FROM A PATIENT TO RELEASE CLINICAL INFORMATION TO A PROVIDER OBTAINED BY AN ENTITY TO WHICH THIS SECTION APPLIES SHALL APPLY TO INFORMATION TRANSMITTED THROUGH THE STATE DESIGNATED EXCHANGE OR BY OTHER MEANS.

(F) THE MARYLAND HEALTH CARE COMMISSION:

(1) MAY ADOPT REGULATIONS FOR IMPLEMENTING THE CONNECTIVITY TO THE STATE DESIGNATED EXCHANGE REQUIRED UNDER THIS SECTION; AND

(2) SHALL SEEK, THROUGH ANY REGULATIONS ADOPTED UNDER ITEM (1) OF THIS SUBSECTION, TO PROMOTE TECHNOLOGY STANDARDS AND FORMATS THAT CONFORM TO THOSE SPECIFIED BY THE OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

(G) (1) THE MARYLAND HEALTH CARE COMMISSION MAY ADOPT REGULATIONS SPECIFYING THE SCOPE OF CLINICAL INFORMATION TO BE EXCHANGED UNDER THIS SECTION.

(2) ANY REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL LIMIT THE SCOPE OF THE CLINICAL INFORMATION TO PURPOSES THAT PROMOTE:

(I) IMPROVED ACCESS TO CLINICAL RECORDS BY TREATING CLINICIANS; OR

(II) USES OF THE STATE DESIGNATED EXCHANGE  
IMPORTANT TO PUBLIC HEALTH AGENCIES.

(H) THIS SECTION DOES NOT:

(1) REQUIRE AN ENTITY TO WHICH THIS SECTION APPLIES TO COLLECT CLINICAL INFORMATION OR OBTAIN ANY AUTHORIZATIONS, NOT OTHERWISE REQUIRED BY FEDERAL OR STATE LAW, RELATING TO INFORMATION TO BE SENT OR RECEIVED THROUGH THE STATE DESIGNATED EXCHANGE;

(2) PROHIBIT AN ENTITY TO WHICH THIS SECTION APPLIES FROM DIRECTLY RECEIVING OR SENDING INFORMATION TO PROVIDERS OR SUBSCRIBERS OUTSIDE OF THE STATE DESIGNATED EXCHANGE; OR

(3) PROHIBIT AN ENTITY TO WHICH THIS SECTION APPLIES FROM CONNECTING AND INTEROPERATING WITH THE STATE DESIGNATED EXCHANGE IN A MANNER AND SCOPE BEYOND THAT REQUIRED UNDER THIS SECTION.”.

AMENDMENT NO. 4

On page 6, in line 14, strike “(A)”; and strike beginning with “CHANGE” in line 15 down through “NOT” in line 29.