

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 436 (Delegate Reznik)
Health and Government Operations

Medical Records - Authorization to Disclose - Person in Interest

This bill expands the definition of “person in interest” (as it relates to the disclosure of confidential medical records) to include – if specified requirements are met – a spouse, parent, or child of a deceased person. Specifically, the authorization of a spouse, parent, or child of a deceased person must be accompanied by an affidavit in which the affiant declares and affirms under the penalties of perjury that (1) the affiant is an adult and competent to be a witness; (2) the affiant is the spouse, parent, or child of the deceased person; and (3) the authorization and affidavit have not been executed for any unlawful purpose.

Fiscal Summary

State Effect: The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: With regard to the disclosure of medical records, “person in interest” means (1) an adult on whom a health care provider maintains a medical record; (2) a person authorized to consent to health care for an adult consistent with the authority granted; (3) a duly appointed personal representative of a deceased person; (4) an attorney appointed in writing by another person in interest; or (5) in specified circumstances, a consenting minor or a minor’s parent, guardian, custodian, or

court-designated representative, or another person authorized to consent to health care for the minor.

A health care provider must disclose a medical record on receipt of (1) a preauthorized form that is part of an application for insurance; or (2) an authorization for the release of relevant medical information that is included with the claim application properly filed with the Workers' Compensation Commission.

Otherwise, an authorization must (1) be in writing and be signed and dated by the person in interest; (2) state the name of the health care provider; (3) identify to whom the information is to be disclosed; (4) state the period of time for which the authorization is valid; and (5) apply only to the record developed by the health care provider unless, in writing, the authorization specifies disclosure of a medical record that the health care provider has received from another provider and the other provider has not prohibited redisclosure.

Additional Information

Prior Introductions: None.

Cross File: SB 376 (Senator Conway) - Finance.

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

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Analysis by: Jennifer A. Ellick

Direct Inquiries to:
(410) 946-5510
(301) 970-5510