

# HOUSE BILL 868

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9lr2046  
CF SB 459

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By: Delegates Barron, Lopez, Malone, ~~and Parrott~~ Parrott, Pendergrass, Pena-Melnyk, Bagnall, Bhandari, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kelly, Kipke, Krebs, R. Lewis, Metzgar, Morgan, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Medical Records – Compulsory Process Requests – Advisory Protocol and**  
3 **Voluntary Training Webinar**

4 FOR the purpose of requiring, on or before a certain date, the Office of the Attorney General  
5 to develop a certain advisory protocol and voluntary training ~~program~~ webinar;  
6 requiring and authorizing the Office to consult certain entities in developing the  
7 advisory protocol and voluntary training ~~program~~ webinar; requiring the Office to  
8 post a certain advisory protocol and voluntary training webinar on its website on or  
9 before a certain date; requiring the Office to track the traffic on a certain website to  
10 the extent practicable beginning on a certain date; encouraging certain health  
11 occupations boards to disseminate, to the extent practicable, a certain advisory  
12 protocol and voluntary training webinar; requiring the Office, in consultation with  
13 the Department, to report to the Governor and the General Assembly on or before a  
14 certain date; providing for the termination of this Act; and generally relating to an  
15 advisory protocol and voluntary training webinar on the disclosure of medical records  
16 in response to compulsory process.

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That:

19 (a) On or before September 30, 2020, the Office of the Attorney General shall  
20 develop an advisory protocol and voluntary training ~~program~~ webinar for health care

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 providers regarding how to respond to compulsory process requests for medical records that  
2 includes information regarding:

3 (1) the requirements of:

4 ~~(1)~~ (i) the federal Health Insurance Portability and Accountability Act  
5 of 1996 and any regulations adopted under the Act;

6 ~~(2)~~ (ii) Title 4, Subtitle 3 of the Health – General Article; ~~and~~

7 ~~(3)~~ (iii) §§ 9–109, 9–109.1, and 9–121 of the Courts Article; and

8 (iv) Maryland Court Rules; and

9 (2) the differences between the types of compulsory process requests,  
10 including subpoenas, summonses, warrants, and court orders.

11 (b) In developing the advisory protocol and voluntary training ~~program~~ webinar  
12 under subsection (a) of this section, the Office of the Attorney General ~~shall consult:~~

13 (1) ~~the Maryland Department of Health~~ may consult with the Maryland  
14 State Bar Association, the Maryland Hospital Association, or any other interested health  
15 organization; and

16 (2) ~~MedChi, the Maryland State Medical Society;~~ shall consult any health  
17 occupations board established under the Health Occupations Article that requests to be  
18 consulted in the development in the advisory protocol and voluntary training webinar.

19 ~~(3) the Maryland Nurses Association;~~

20 ~~(4) the Maryland State Dental Association;~~

21 ~~(5) the National Association of Social Workers – Maryland Chapter;~~

22 ~~(6) the Maryland Clinical Social Work Coalition;~~

23 ~~(7) the Maryland Psychological Association;~~

24 ~~(8) the Maryland Pharmacists Association; and~~

25 ~~(9) any other health professional association or public health entity in the~~  
26 ~~State that elects to participate.~~

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) (1) On or before September 30, 2020, the Office of the Attorney General  
29 shall post on its website an advisory protocol and voluntary training webinar for health

1 care providers regarding how to respond to compulsory process requests for medical  
2 records.

3 (2) Beginning on September 30, 2020, the Office of the Attorney General  
4 shall track the traffic on the website established under paragraph (1) of this subsection, to  
5 the extent practicable.

6 (b) Each health occupations board established under the Health Occupations  
7 Article is encouraged to disseminate, to the extent practicable, information regarding the  
8 advisory protocol and voluntary training webinar posted on the Office of the Attorney  
9 General’s website under subsection (a)(1) of this section.

10 (c) On or before December 31, 2020, the Office of the Attorney General shall  
11 report on the implementation and effectiveness of this Act to the Governor and, in  
12 accordance with § 2–1246 of the State Government Article, the General Assembly.

13 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2019. Section 1 of this Act shall remain effective for a period of 1 year and 3 months  
15 and, at the end of September 30, 2020, Section 1 of this Act, with no further action required  
16 by the General Assembly, shall be abrogated and of no further force and effect. Section 2 of  
17 this Act shall remain effective for a period of 2 years and, at the end of June 30, 2021,  
18 Section 2 of this Act, with no further action required by the General Assembly, shall be  
19 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.