

SENATE BILL 543

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By: **Senator Lam**

Introduced and read first time: February 4, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2019

CHAPTER _____

1 AN ACT concerning

2 **Health – Vital Records – Health Information Exchange Data Access and Security**
3 **Protocols and Protections**

4 FOR the purpose of authorizing the Secretary of Health to provide certain information to a
5 certain State designated health information exchange for certain purposes under a
6 certain circumstance; requiring the Maryland Department of Health to develop and
7 implement certain security protocols and protections to prohibit certain persons from
8 accessing certain vital records and minimize the disclosure of certain information
9 from a certain database; requiring certain security protocols and protections to
10 include an auditable record of certain information; and generally relating to access
11 to and security protocols and protections for vital records.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 4–217(a)(1)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 4–217(a)(2) and 4–220
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2018 Supplement)

22 BY adding to

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 Article – Health – General
2 Section 4–217(h)
3 Annotated Code of Maryland
4 (2015 Replacement Volume and 2018 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – Health – General**

8 4–217.

9 (a) (1) Except as provided in subsection (b) of this section, the Secretary shall
10 provide, on request, any person authorized by regulations adopted under this subtitle with
11 a certified or abridged copy of a birth, death, or fetal death certificate registered under this
12 subtitle or of the certificate of a marriage performed after June 1, 1951.

13 (2) Except as provided in subsection (b) of this section **AND SUBJECT TO**
14 **SUBSECTION (H) OF THIS SECTION**, a local health department or the Motor Vehicle
15 Administration may:

16 (i) Access electronically from the Department a certified or abridged
17 copy of a birth certificate registered under this subtitle; and

18 (ii) On request, provide any person authorized by regulations
19 adopted under this subtitle with a certified or abridged copy of a birth certificate registered
20 under this subtitle.

21 **(H) (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT SECURITY**
22 **PROTOCOLS AND OTHER PROTECTIONS TO:**

23 **(I) ENSURE A PERSON WITHOUT AUTHORIZATION IS**
24 **PROHIBITED FROM ACCESSING ANY VITAL RECORDS; AND**

25 **(II) MINIMIZE THE DISCLOSURE OF AND THE ACCESS TO**
26 **MEDICALLY SENSITIVE INFORMATION FROM THE VITAL RECORDS DATABASE BY**
27 **EMPLOYEES NOT EMPLOYED BY THE DEPARTMENT.**

28 **(2) THE SECURITY PROTOCOLS AND OTHER PROTECTIONS**
29 **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE AN**
30 **AUDITABLE RECORD OF THE FOLLOWING INFORMATION:**

31 **(I) THE DATE AND TIME A CERTIFIED OR ABRIDGED COPY OF A**
32 **BIRTH CERTIFICATE WAS PRINTED; AND**

1 (II) THE IDENTIFICATION OF THE EMPLOYEE WHO PRINTED
2 THE CERTIFIED OR ABRIDGED COPY OF THE BIRTH CERTIFICATE;~~AND~~

3 ~~(III) A SCANNED COPY OF THE GOVERNMENT ISSUED~~
4 ~~IDENTIFICATION CARD OF THE EMPLOYEE WHO PRINTED THE CERTIFIED OR~~
5 ~~ABRIDGED COPY OF THE BIRTH CERTIFICATE.~~

6 4-220.

7 (a) The Secretary may provide the United States Department of Health and
8 Human Services with copies of vital records or other information that is required for
9 national statistics, on the condition that the information may not be used for other than
10 statistical purposes unless authorized by the Secretary.

11 (b) On request, the Secretary may provide federal, State, local, and other public
12 or private agencies with copies of vital records or other information for statistical purposes
13 on terms or conditions that the Secretary sets.

14 (C) ON REQUEST, THE SECRETARY MAY PROVIDE THE STATE DESIGNATED
15 HEALTH INFORMATION EXCHANGE WITH SELECT INFORMATION FROM DEATH
16 CERTIFICATES TO ALLOW LINKAGE OF THE DATA TO THE STATE DESIGNATED
17 HEALTH INFORMATION EXCHANGE MASTER PATIENT INDEX IN ORDER THAT A DATE
18 OF DEATH MAY BE ASSOCIATED AND STORED WITH THE RECORDS OF THOSE
19 PATIENTS WHO HAVE DIED FOR STATISTICAL AND CLINICIAN NOTIFICATION
20 PURPOSES IN ACCORDANCE WITH REGULATIONS OR A DATA SHARING AGREEMENT.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.