

# SENATE BILL 112

C3

0lr0047

(PRE-FILED)

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By: **Chair, Finance Committee (By Request – Departmental – Maryland Insurance Administration)**

Requested: September 16, 2019

Introduced and read first time: January 8, 2020

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 4, 2020

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

1 AN ACT concerning

2 **Health Insurance – Health Information – Disclosures Between Carriers**

3 FOR the purpose of requiring a carrier to disclose protected health information to another  
4 carrier for certain activities under certain circumstances; requiring any request for  
5 or disclosure of protected health information to comply with certain federal laws and  
6 regulations; requiring a carrier to provide a certain individual access to certain  
7 records on request; defining certain terms; and generally relating to the disclosure  
8 of health information between health insurance carriers.

9 BY adding to

10 Article – Insurance

11 Section 15–1412

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Insurance**

17 **15–1412.**

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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 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (2) “CARRIER” MEANS:

4 (I) AN INSURER;

5 (II) A NONPROFIT HEALTH SERVICE PLAN;

6 (III) A HEALTH MAINTENANCE ORGANIZATION;

7 (IV) A DENTAL PLAN ORGANIZATION; OR

8 (V) ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT  
9 PLANS SUBJECT TO REGULATION BY THE STATE.

10 ~~(2) “HEALTH CARE OPERATIONS” HAS THE MEANING STATED IN 45~~  
11 ~~C.F.R. § 164.501.~~

12 (3) “PROTECTED HEALTH INFORMATION” HAS THE MEANING STATED  
13 IN 45 C.F.R. § 160.103.

14 (B) ON REQUEST AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, A  
15 CARRIER SHALL DISCLOSE PROTECTED HEALTH INFORMATION TO ANOTHER  
16 CARRIER FOR ~~HEALTH CARE OPERATIONS~~ CASE MANAGEMENT AND CARE  
17 COORDINATION ACTIVITIES OF THE CARRIER THAT RECEIVES THE PROTECTED  
18 HEALTH INFORMATION IF:

19 (1) EACH CARRIER HAS OR HAD A RELATIONSHIP WITH THE  
20 INDIVIDUAL WHO IS THE SUBJECT OF THE PROTECTED HEALTH INFORMATION TO BE  
21 DISCLOSED;

22 (2) ~~THE PROTECTED HEALTH INFORMATION RELATES TO THE~~  
23 ~~RELATIONSHIP BETWEEN THE INDIVIDUAL WHO IS THE SUBJECT OF THE~~  
24 ~~PROTECTED HEALTH INFORMATION AND THE CARRIER THAT RECEIVES THE~~  
25 ~~PROTECTED HEALTH INFORMATION~~ THE PROTECTED HEALTH INFORMATION  
26 RELATES TO THE RELATIONSHIP; AND

27 (3) THE DISCLOSURE IS LIMITED TO PROTECTED HEALTH  
28 INFORMATION ~~THAT RELATES TO~~ IN CASE MANAGEMENT AND CARE COORDINATION  
29 ~~ACTIVITIES PROVIDED TO RECORDS OF~~ THE INDIVIDUAL WHO IS THE SUBJECT OF  
30 THE PROTECTED HEALTH INFORMATION; AND

1           **(4) THE INDIVIDUAL HAS PROVIDED THE CARRIER WITH AN**  
2 **AUTHORIZATION THAT COMPLIES WITH 45 C.F.R. § 164.508(C).**

3           **(C) ANY REQUEST FOR OR DISCLOSURE OF PROTECTED HEALTH**  
4 **INFORMATION MUST COMPLY WITH:**

5           **(1) THE FEDERAL HEALTH INSURANCE PORTABILITY AND**  
6 **ACCOUNTABILITY ACT OF 1996 AND THE CORRESPONDING PRIVACY AND SECURITY**  
7 **REGULATIONS, INCLUDING:**

8                   **(I) THE STANDARDS FOR USES AND DISCLOSURES OF**  
9 **PROTECTED HEALTH INFORMATION ESTABLISHED IN 45 C.F.R. § 164.502;**

10                   **(II) FOR THE REQUESTING CARRIER, THE IMPLEMENTATION**  
11 **SPECIFICATIONS ESTABLISHED IN 45 C.F.R. § 164.514(D)(1); AND**

12                   **(III) FOR THE DISCLOSING CARRIER, THE IMPLEMENTATION**  
13 **SPECIFICATIONS ESTABLISHED IN 45 C.F.R. § 164.514(D)(3) AND (5); AND**

14           **(2) THE FEDERAL HEALTH INFORMATION TECHNOLOGY FOR**  
15 **ECONOMIC AND CLINICAL HEALTH ACT OF 2009.**

16           **(D) THE CARRIER SHALL PROVIDE THE INDIVIDUAL ACCESS TO THE**  
17 **RECORDS DISCLOSED UNDER THIS SECTION ON REQUEST.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.