

**HB1375/276984/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1375

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “altering the laws with which certain regulations adopted by the Maryland Health Care Commission must comply;”; in lines 4 and 5, strike “Maryland Health Care”; in line 6, after “application” insert “, subject to certain laws;”; in line 7, strike “providing” and substitute “requiring”; in the same line, after “that” insert “, subject to certain laws;”; strike beginning with “may” in line 7 down through the second “of” in line 8 and substitute “allow certain entities to use”; in line 8, after “information” insert “for certain purposes; excluding, rather than including, certain payors from the application of certain provisions of law governing health information exchanges”; in line 9, strike “, to the extent authorized under certain laws,”; in line 10, strike “and payors”; in line 11, after “information” insert “in a certain manner under certain circumstances; requiring, rather than authorizing, the Commission to adopt certain regulations”; and in line 13, after “information;” insert “providing that the General Assembly recognizes certain information; requiring the Commission, in consultation with its Health Information Exchange Policy Board and other relevant stakeholders, to make a certain recommendation; requiring the Commission to report to certain committees of the General Assembly on or before a certain date;”.

AMENDMENT NO. 2

On page 2, strike lines 28 and 29 in their entirety; in line 30, strike the brackets; and in the same line, strike “**(I)**”.

On page 3, in line 13, strike both sets of brackets; in the same line, strike “**(J)**”; and strike beginning with “:” in line 13 down through “**PURPOSE**” in line 24 and substitute “**OR GOVERNS ORGANIZATIONAL AND TECHNICAL PROCESSES FOR THE MAINTENANCE, TRANSMITTAL, ACCESS, OR DISCLOSURE OF ELECTRONIC**”.

(Over)

**HEALTH CARE INFORMATION BETWEEN OR AMONG HEALTH CARE PROVIDERS OR ENTITIES THROUGH AN INTEROPERABLE SYSTEM**".

On page 4, in line 3, strike the brackets; in the same line, strike "(K)"; in line 23, strike the brackets; in the same line, strike "(L)"; in line 29, strike the brackets; and in the same line, strike "(M)".

On page 5, in line 1, strike the brackets; in the same line, strike "(N)"; in line 20, strike the brackets; in the same line, strike "(O)"; in line 25, strike the brackets; in the same line, strike "(P)"; in line 28, strike the brackets; in the same line, strike "(Q)"; and in line 30, strike "(R)" and substitute "(Q)".

On page 6, in line 10, strike the second "and" and substitute a comma; in line 11, after "Act" insert ", THE FEDERAL 21ST CENTURY CURES ACT, AND TITLE 21, SUBTITLE 2A OF THIS ARTICLE"; in line 15, after "APPLICATION" insert ", SUBJECT TO STATE AND FEDERAL LAW,"; after line 19, insert:

**"2. INFORMS THE PERSON IN INTEREST OF THE ELECTRONIC HEALTH INFORMATION THAT MAY BE SHARED OR DISCLOSED NOTWITHSTANDING THE CHOICE TO OPT OUT;"**;

and in lines 20, 25, and 30, strike "2.", "3.", and "4.", respectively, and substitute "3.", "4.", and "5.", respectively.

On page 7, strike beginning with "MAY" in line 10 down through the second "COMMISSION" in line 17 and substitute "SHALL, SUBJECT TO STATE AND FEDERAL LAW, ALLOW THE DEPARTMENT, THE MARYLAND HEALTH CARE COMMISSION, AND THE HEALTH SERVICES COST REVIEW COMMISSION TO USE ELECTRONIC HEALTH INFORMATION FOR PLANNING ACTIVITIES AND PUBLIC HEALTH FUNCTIONS".

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On page 8, in line 7, strike “(1)”; in line 9, after “shall” insert “:

(1)”;

in the same line, strike “respond” and substitute “**RESPOND**”; in line 10, strike the period and substitute “**;** **AND**”; strike beginning with “**TO**” in line 11 down through “**SECTION**” in line 15 and substitute “**TRANSMIT THE RESPONSE TO THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE IN THE MANNER SPECIFIED IN THE REGULATIONS ADOPTED UNDER SUBSECTION (G) OF THIS SECTION**”; in line 21, strike “May” and substitute “**SHALL**”; and in line 27, strike “may” and substitute “**SHALL**”.

On page 12, after line 16, insert:

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

(a) The General Assembly recognizes that:

(1) the definition of “health information exchange” should be updated to accommodate changing technology, functionality, and innovation; and

(2) the definition of “health information exchange” in regulations adopted by the Office of the National Coordinator at 45 C.F.R. § 171.102 offers a model that the State could consider more closely aligning to, and definitions of “health information exchange” in other states and federal laws may also offer models for the State to consider.

(b) The Maryland Health Care Commission, in consultation with its Health Information Exchange Policy Board and other relevant stakeholders, shall make a recommendation on an updated statutory definition of “health information exchange”

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that addresses changing technology and functionality, the need to coordinate care, and the needs to address patient privacy and access.

(c) On or before December 1, 2021, the Maryland Health Care Commission shall report its recommendation made under subsection (b) of this section to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article.”;

and in line 17, strike “2.” and substitute “3.”.