

SENATE BILL 648

J1, J3

3lr2282
CF HB 786

By: **Senator Rosapepe**

Introduced and read first time: February 6, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Health Networks and Electronic Medical Records – Nursing Homes –**
3 **Release of Records**

4 FOR the purpose of authorizing a nursing home that contracts with or uses an electronic
5 health network or electronic medical record vendor to direct the network or vendor
6 to release electronic medical records and electronic health care transactions to a
7 business associate of the nursing home; and generally relating to electronic health
8 networks and electronic medical records.

9 BY adding to

10 Article – Health – General

11 Section 4–302.5

12 Annotated Code of Maryland

13 (2019 Replacement Volume and 2022 Supplement)

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

16 **Article – Health – General**

17 **4–302.5.**

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

20 (2) “BUSINESS ASSOCIATE” HAS THE MEANING STATED IN 45 C.F.R.
21 § 106.103.

22 (3) “ELECTRONIC HEALTH CARE TRANSACTIONS” HAS THE MEANING
23 STATED IN § 4–302.3 OF THIS SUBTITLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(4) “ELECTRONIC HEALTH NETWORK” HAS THE MEANING STATED IN**
2 **§ 4–302.3 OF THIS SUBTITLE.**

3 **(5) “NURSING HOME” HAS THE MEANING STATED IN § 19–1401 OF**
4 **THIS ARTICLE.**

5 **(B) (1) IF A NURSING HOME CONTRACTS WITH OR USES AN ELECTRONIC**
6 **HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR, THE NURSING**
7 **HOME MAY DIRECT THE ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL**
8 **RECORD VENDOR TO RELEASE PATIENT MEDICAL RECORDS OR ELECTRONIC**
9 **HEALTH CARE TRANSACTIONS HELD BY THE ELECTRONIC HEALTH NETWORK OR**
10 **ELECTRONIC MEDICAL RECORD VENDOR TO A BUSINESS ASSOCIATE OF THE**
11 **NURSING HOME.**

12 **(2) AN ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL**
13 **RECORD VENDOR RELEASING PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH**
14 **CARE TRANSACTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

15 **(I) SHALL RELEASE THE PATIENT MEDICAL RECORDS OR**
16 **ELECTRONIC HEALTH CARE TRANSACTIONS IN AN ELECTRONIC FORMAT THAT**
17 **CONFORMS TO THE SPECIFICATIONS OF THE OFFICE OF THE NATIONAL**
18 **COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY OR ANOTHER FORM**
19 **REQUIRED BY THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE;**

20 **(II) SHALL MAKE THE PATIENT MEDICAL RECORDS OR**
21 **ELECTRONIC HEALTH CARE TRANSACTIONS AVAILABLE ON A REGULAR BASIS AND**
22 **RELEASE THE INFORMATION IN A TIMELY MANNER TO SUPPORT PATIENT CARE AND**
23 **MONITORING; AND**

24 **(III) MAY NOT RESTRICT, LIMIT, OR CHARGE A FEE FOR THE**
25 **RELEASE OF THE PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH CARE**
26 **TRANSACTIONS.**

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
28 **1, 2023.**