

SENATE BILL 648

J1, J3

3lr2282
CF HB 786

By: **Senator Rosapepe**

Introduced and read first time: February 6, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2023

CHAPTER _____

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, with the consent of the patient
6 or patient's personal representative, to direct the network or vendor to release
7 electronic medical records and electronic health care transactions to a business
8 associate of the nursing home; and generally relating to electronic health networks
9 and electronic medical records.

10 BY adding to

11 Article – Health – General

12 Section 4–302.5

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2022 Supplement)

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

17 **Article – Health – General**

18 **4–302.5.**

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

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

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

5 (4) “ELECTRONIC HEALTH NETWORK” HAS THE MEANING STATED IN
6 § 4-302.3 OF THIS SUBTITLE.

7 (5) “NURSING HOME” HAS THE MEANING STATED IN § 19-1401 OF
8 THIS ARTICLE.

9 (B) (1) IF A NURSING HOME CONTRACTS WITH OR USES AN ELECTRONIC
10 HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR, THE NURSING
11 HOME, WITH THE CONSENT OF THE PATIENT OR THE PATIENT’S PERSONAL
12 REPRESENTATIVE AS REQUIRED UNDER THE HEALTH INSURANCE PORTABILITY
13 AND ACCOUNTABILITY ACT OF 1996, MAY DIRECT THE ELECTRONIC HEALTH
14 NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR TO RELEASE PATIENT
15 MEDICAL RECORDS OR ELECTRONIC HEALTH CARE TRANSACTIONS HELD BY THE
16 ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR TO A
17 BUSINESS ASSOCIATE OF THE NURSING HOME.

18 (2) AN ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL
19 RECORD VENDOR RELEASING PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH
20 CARE TRANSACTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION:

21 (I) SHALL RELEASE THE PATIENT MEDICAL RECORDS OR
22 ELECTRONIC HEALTH CARE TRANSACTIONS IN AN ELECTRONIC FORMAT THAT
23 CONFORMS TO THE SPECIFICATIONS OF THE OFFICE OF THE NATIONAL
24 COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY OR ANOTHER FORM
25 REQUIRED BY THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE;

26 (II) SHALL MAKE THE PATIENT MEDICAL RECORDS OR
27 ELECTRONIC HEALTH CARE TRANSACTIONS AVAILABLE ON A REGULAR BASIS AND
28 RELEASE THE INFORMATION IN A TIMELY MANNER TO SUPPORT PATIENT CARE AND
29 MONITORING; ~~AND~~

30 (III) ~~MAY NOT RESTRICT, LIMIT, OR CHARGE A FEE FOR~~ MAY NOT RESTRICT,
31 THE RELEASE OF THE PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH CARE
32 TRANSACTIONS; AND

33 (IV) MAY NOT CHARGE A FEE TO A BUSINESS ASSOCIATE
34 CONTRACTED WITH THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE TO

1 IMPROVE NURSING HOME QUALITY THROUGH DATA INTEGRATION, UNLESS THE FEE
2 IS APPROVED BY THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.