

SENATE BILL 678

J1, J3

5lr2937
CF HB 812

By: **Senator Rosapepe**

Introduced and read first time: January 26, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing the Office of the Attorney General to enforce and certain
5 persons to bring a certain civil action regarding a certain provision of law authorizing
6 a nursing home that contracts with or uses an electronic health network or electronic
7 medical record vendor to direct the network or vendor to release electronic medical
8 records or electronic health care transactions to a business associate of the nursing
9 home; and generally relating to electronic health networks and electronic medical
10 record vendors of nursing homes.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 4–302.6
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

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

18 **Article – Health – General**

19 4–302.6.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) “Business associate” has the meaning stated in 45 C.F.R. § 160.103.

22 (3) “Electronic health care transactions” has the meaning stated in §
23 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 § 4–302.3 of this
2 subtitle.

3 (5) "Nursing home" has the meaning stated in § 19–1401 of this article.

4 (b) (1) If a nursing home contracts with or uses an electronic health network
5 or electronic medical record vendor, the nursing home may direct the electronic health
6 network or electronic medical record vendor to release patient medical records or electronic
7 health care transactions held by the electronic health network or electronic medical record
8 vendor to a business associate of the nursing home.

9 (2) An electronic health network or electronic medical record vendor
10 releasing patient medical records or electronic health care transactions under paragraph
11 (1) of this subsection:

12 (i) Shall release the patient medical records or electronic health
13 care transactions in an electronic format that conforms to the specifications of the Office of
14 the National Coordinator for Health Information Technology or another form required by
15 the State–designated health information exchange;

16 (ii) Shall make the patient medical records or electronic health care
17 transactions available on a regular basis and release the information in a timely manner
18 to support patient care and monitoring; and

19 (iii) May not restrict, limit, or charge a fee for the release of the
20 patient medical records or electronic health care transactions.

21 **(C) THE OFFICE OF THE ATTORNEY GENERAL MAY ENFORCE THIS**
22 **SECTION.**

23 **(D) (1) ANY PERSON, INCLUDING A PERSON IDENTIFIED UNDER**
24 **SUBSECTION (B)(1) OF THIS SECTION, MAY BRING AN ACTION FOR DAMAGES,**
25 **INJUNCTIVE RELIEF, OR BOTH AND FOR ATTORNEY'S FEES AGAINST ANY PERSON IN**
26 **VIOLATION OF THIS SECTION.**

27 **(2) A PERSON MAY BRING AN ACTION UNDER THIS SUBSECTION**
28 **WHETHER THE PERSON INTERACTED DIRECTLY OR INDIRECTLY WITH THE PERSON**
29 **IN VIOLATION OF THIS SECTION.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2025.