

HOUSE BILL 316

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By: **Delegates Kaufman, Holmes, A. Johnson, S. Johnson, and Shetty**

Introduced and read first time: January 15, 2026

Assigned to: Health

A BILL ENTITLED

1 AN ACT concerning

2 **Confidentiality of Medical Records – Definition of Medical Record**

3 FOR the purpose of altering the definition of “medical record” for purposes of law governing
4 the confidentiality of medical records to require that certain information be recorded
5 by a health care provider through certain means, instead of entered into the record
6 of a patient or recipient, and to include certain electronic messages; and generally
7 relating to the confidentiality of medical records.

8 BY repealing and reenacting, without amendments,

9 Article – Health – General

10 Section 4–301(a)

11 Annotated Code of Maryland

12 (2023 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Health – General

15 Section 4–301(k)

16 Annotated Code of Maryland

17 (2023 Replacement Volume and 2025 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 4–301.

22 (a) In this subtitle the following words have the meanings indicated.

23 (k) (1) “Medical record” means any oral, written, or other transmission in any
24 form or medium of information that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



4 (ii) Identifies or can readily be associated with the identity of a
5 patient or recipient; and

6 (iii) Relates to the health care of the patient or recipient.

7 (2) "Medical record" includes any:

(i) Documentation of disclosures of a medical record to any person who is not an employee, agent, or consultant of the health care provider;

10 (ii) File or record maintained under § 12-403(c)(13) of the Health
11 Occupations Article by a pharmacy of a prescription order for drugs, medicines, or devices
12 that identifies or may be readily associated with the identity of a patient;

13 (iii) Documentation of an examination of a patient regardless of who:

14 1. Requested the examination; or

2. Is making payment for the examination; [and]

16 (iv) File or record received from another health care provider that:

21 (v) ELECTRONIC MESSAGE SENT OR RECEIVED BY A HEALTH
22 CARE PROVIDER THAT IDENTIFIES OR MAY READILY BE ASSOCIATED WITH THE
23 IDENTITY OF A PATIENT.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2026.