

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 316

(Delegate Kaufman, *et al.*)

Health

Confidentiality of Medical Records - Definition of Medical Record

This bill alters the definition of “medical record” regarding provisions governing the confidentiality of medical records by specifying that a medical record means any information that is recorded by a health care provider through written, electronic, or other means, including audio or video means, and includes any electronic message sent or received by a health care provider that identifies or may readily be associated with the identify of a patient.

Fiscal Summary

State Effect: None. The change is technical in nature and does not directly affect governmental finances.

Local Effect: None. The change is technical in nature and does not directly affect local governmental finances.

Small Business Effect: Minimal.

Analysis

Current Law: “Medical record” means any oral, written, or other transmission in any form or medium of information that (1) is entered in the record of a patient or recipient; (2) identifies or can readily be associated with the identity of a patient or recipient; and (3) relates to the health care of the patient or recipient.

“Medical record” includes any (1) documentation of disclosures of a medical record to any person who is not an employee, agent, or consultant of the health care provider; (2) file or

record maintained by a pharmacy of a prescription order for drugs, medicines, or devices that identifies or may be readily associated with the identity of a patient; (3) documentation of an examination of a patient regardless of who requested the examination or is making payment for the examination; and (4) file or record received from another health care provider that relates to the health care of a patient or recipient received from that health care provider and identifies or can readily be associated with the identity of the patient or recipient.

Confidentiality of Medical Records Act

Maryland's Confidentiality of Medical Records Act requires health care providers and facilities to keep the medical record of a patient confidential and obtain written consent for disclosure, even for purposes of treatment and payment. Generally, a person to whom a medical record is disclosed may not redisclose the medical record unless authorized by the person in interest. Exceptions are made for such purposes as provision of health care services, billing, utilization review, and legal claims.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

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jg/jc

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