



Maryland Community Health System

Committee: Senate Finance Committee

Bill Number: Senate Bill 385 – Health - Disclosure of Medical Records - Penalty

Hearing Date: February 9, 2022

Position: Support with Amendment

Maryland Community Health System (MCHS) supports with amendment *Senate Bill 385 - Health - Disclosure of Medical Records - Penalty*. We are a network of federally qualified health centers with locations across Maryland and recognize the importance of access to medical records but are concerned about some possible negative outcomes.

Our understanding is that the bill is attempting to make the definition of a medical record more in line with HIPAA. We support aligning Maryland's medical records law with HIPAA so providers aren't being required to comply with different sets of rules. We are still in the process of reviewing the HIPAA definition compared to the definition in this bill but do support the concept of aligning the two definitions.

We understand the importance of timely access to patient records, and many of our providers have their own frustrating experience of dealing with delays in obtaining patient records. All of our providers take great care to ensure that patients receive requested records within the required 21 days, but sometimes issues can occur that result in delays. In our experience, most delays in releasing medical records are due to difficulties in getting appropriate authorization or copying fees from a patient. Whenever there is a delay, we communicate with the patient and do what we can to deliver the records as soon as possible.

The \$1,000 fine created by this bill would be very burdensome to federally qualified health centers. Our health centers are primarily funded by federal grants and Medicaid so it would be financially challenging for a health center to afford a \$1,000 fine whenever there was a delay in releasing a medical record, especially given that most delays are caused by external circumstances the health center does not control.

We believe there are already sufficient penalties for individuals who do not take seriously their responsibility to ensure that patients have access to their medical records. Current law provides criminal liability for providers who willfully fail to provide medical records within 21 days. Additionally, HIPAA includes possible sanctions for providers that fail to provide medical records timely.

We ask for an unfavorable report. If we can be help answer any questions, please let us know by contacting Scott Tiffin at stiffin@policypartners.net.