



AFFILIATE OF



Committee: Senate Finance Committee

Bill Number: Senate Bill 984 - Public Health – State Designated Exchange – Health Data Utility

Hearing Date: March 22, 2022

Position: Favorable with Amendment

Our organizations ask for a favorable with amendments on *Senate Bill 984 – Public Health – State Designated Exchange – Health Data Utility*. We represent the American College of Nurse Midwives – Maryland Affiliate, Health Care for the Homeless, Maryland Network Against Domestic Violence, Maryland Coalition Against Sexual Assault, Mental Health Association of Maryland, National Council on Alcohol and Drug Abuse, and On Our Own of Maryland, Planned Parenthood of Maryland, and Women’s Law Center of Maryland.

This legislation codifies the role that Maryland’s state designated health information exchange (HIE) has played during the pandemic. Also known as CRISP, the Chesapeake Regional Information System for People, the state designated HIE has assisted State public health officials in identifying and tracking patterns of COVID-19 testing and infection. CRISP’s work has been particularly critical in supporting public health efforts to limit the spread of COVID-19 in long-term care facilities.

The legislation also extends CRISP’s data collection efforts to include prescription drugs dispensed by pharmacies. We understand the clinical utility of this information and that it already may be available through private HIE vendors. We want to ensure that the benefits are balanced with the need to the privacy of individuals with heightened confidentiality concerns. Some individuals may delay or forgo care out of concern the confidentiality of their health information may be compromised. For instance, an individual in a situation of domestic violence may not want a primary care provider to have access to their mental health treatment information, if they have concerns that their abuser can access their primary care provider’s records. Another situation is that an adolescent may not want the local pharmacist to know that they are being treated for a sexually transmitted infection.

As technology for HIEs has advanced, we believe that it is possible for HIEs to build confidentiality protections into their systems. Therefore, we will support this legislation with modifications that recognize some information should not be shared because of heightened confidentiality concerns. To support CRISP in its efforts to understand the confidentiality concerns and adapt its system, we have attached requested amendments. We welcome the opportunity to work with the Committee, CRISP, the Maryland Health Care Commission, and other stakeholders on this legislation. We may be reached through Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

Amendments to SB 984

On page 4 in line 12 delete “AND” and in line 16 after “ARTICLE” insert “; PROCESS FOR THE IDENTIFICATION AND IMPLEMENTATION OF SUPPRESSION OF DISCLOSURE OF PRESCRIPTION DRUG INFORMATION TO INDIVIDUALS AND ORGANIZATIONS INVOLVED IN THE TREATMENT AND CARE COORDINATION OF PATIENTS FOR PRESCRIPTION MEDICATION IN CONSULTATION WITH THE CONSUMER ADVISORY COMMITTEE”.

On page 4 in line 16, insert:

(E) (1) THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE SHALL ESTABLISH A CONSUMER ADVISORY COMMITTEE CONSISTING OF INDIVIDUALS AND ORGANIZATIONS WITH AN

INTEREST IN PROTECTING CONSUMERS WHO COULD BE HARMED BY THE DISCLOSURE OF HEALTH INFORMATION TO INDIVIDUALS AND ORGANIZATIONS INVOLVED IN THE TREATMENT OR COORDINATION OF CARE OF A PATIENT.

(2) THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE SHALL CONVENE THE CONSUMER ADVISORY COMMITTEE AT LEAST THREE TIMES A YEAR TO:

- (I) REVIEW AND COLLECT INPUT ON ANY PROPOSED POLICY OR REGULATORY CHANGES THAT IMPACT THE PRIVACY OF CONSUMERS;
- (II) IDENTIFY CONSUMER PRIVACY ISSUES THAT NEED TO BE ADDRESSED THROUGH IMPROVEMENTS IN THE TECHNOLOGY AND PROCESSES USED BY THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE;
- (III) ADVISE ON PRESCRIPTION MEDICATIONS AND TREATMENTS FOR WHICH INFORMATION TO TREATING INDIVIDUALS AND ORGANIZATIONS SHOULD BE SUPPRESSED; AND
- (IV) ADVISE ON EFFORTS TO EDUCATE CONSUMERS ON POLICIES REGARDING THE DISCLOSURE OF PROTECTED HEALTH INFORMATION ALLOWABLE BY LAW AND OPTIONS FOR CONSUMERS TO OPT-OUT OF DISCLOSURE OF PROTECTED HEALTH INFORMATION.