

Marylanders for Patient Rights

MARYLANDERS FOR PATIENT RIGHTS REQUESTS AN UNFAVORABLE REPORT ON HB786: Electronic Health Networks and Electronic Medical Records – Nursing Homes- Release of Records

Marylanders for Patient Rights is a leading advocacy group for patients in our state. We urge you to provide an UNFAVORABLE report on HB786 which violates HIPPA and other protections codified in law for all patients. Residents of nursing homes are an extremely vulnerable patient population, and they deserve to have the same right to confidentiality of their medical records as other patients. This misguided legislation will violate that fundamental right.

HB786 will authorize a nursing home that contracts with or uses an electronic health information network, or electronic medical record vendor, to direct the network or vendor to release sensitive electronic medical records and health care transactions to a business associate of the nursing home. While this may provide a commercial advantage to business dealings by the nursing home, it is clearly at the expense of violating the patient rights of nursing home residents and could lead to exploitation of this vulnerable population.

Nursing home residents deserve the same protections as any other Marylanders. If passed into law, HB786 would clearly restrict the nursing home residents (or their designated medical power of attorney) from controlling their own sensitive medical data. Moreover, HB786 violates HIPAA and is inconsistent with Maryland's Patient's Bill of Rights (Maryland Code 19-342). Finally, HB786 creates the risk of personal medical data being used by business associates (who are not clearly identified in the bill) for exploiting nursing home residents.

Please provide an **unfavorable** report on HB786, and protect the patient rights of nursing home residents.

Thank you,

A C Palmisano

Anna C. Palmisano, Ph.D, Director
Marylanders for Patient Rights
palmscience@verizon.net