



# Board of Nursing

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

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March 2, 2023

The Honorable Joseline A. Peña – Melnyk  
Chair, House Health and Government Operations Committee  
Room 241 House Office Building  
Annapolis, MD 21401-1991

**RE: HB 812 – Health – Reproductive Health Services – Protected Information and Insurance Requirements – Letter of Information**

Dear Chair Peña – Melnyk and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of information for House Bill (HB) 812 – Health – Reproductive Health Services – Protected Information and Insurance Requirements. This bill regulates the disclosure of certain information related to legally protected health care by custodians of public records, health care providers, health information exchanges, and dispensers; repeals a provision of law authorizing a custodian to allow inspection of the part of a public record that gives the home address of a licensee under certain circumstances; requires that the regulations adopted by the Maryland Health Care Commission regarding clinical information to be exchanged through the State – designated exchange restrict data of patients who have obtained legally protected health care; alters the purpose of the Maryland Health Care Commission to include the establishment of policies and standards that protect the confidentiality of certain health care information; and clarifies that insurance requirements regarding abortion care services apply notwithstanding a certain restriction.

The Board finds Section 4 – 333 (a)(3) under the General Provisions Article to be duplicative and redundant, as the Public Information Act prohibits information that is part of an investigative file from being subject to public disclosure. This provision is further bolstered by the Nurse Practice Act and Section 4–333 (b)(6), which allows “a custodian to allow inspection of the part of a public record that gives any orders and findings that result from formal disciplinary actions”. Section 4 – 333 (a)(3) may also potentially lead to confusion and the assumption that information unrelated to an investigation of a licensee may be subject to public disclosure. The Board follows the provisions of the Public Information Act closely and ensures all investigative materials remain confidential.

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of information for HB 812.

I hope this information is useful. For more information, please contact Ms. Iman Farid, Health Planning and Development Administrator, at [iman.farid@maryland.gov](mailto:iman.farid@maryland.gov) or Ms. Rhonda Scott, Deputy Director, at (410) 585 – 1953 ([rhonda.scott2@maryland.gov](mailto:rhonda.scott2@maryland.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hicks", with a stylized flourish at the end.

Gary N. Hicks  
Board President

**The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.**