



Board of Examiners of Long Term Care Administrators

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

*Kelly Smith Friedman, LNHA, Board Chair – Ciara J. Lee, MS, Executive Director
4201 Patterson Avenue, Baltimore MD 21215 | Phone: 410-764-4750*

March 9, 2023

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

**RE: HB 786 – Electronic Health Networks and Electronic Medical Records – Nursing
Homes – Release of Records – Letter of Concern**

Dear Chair Peña-Melnyk and Committee Members:

The Maryland State Board of Long-Term Care Administrators (the Board) submits this letter of concern for HB 786 – Electronic Health Networks and Electronic Medical Records- Nursing Homes – Release of Records.

HB 786 appears to authorize nursing homes that contract with electronic medical records (“EMR”) vendors or networks to direct those EMR vendors and networks to release the EMR and electronic healthcare transactions of the nursing homes’ residents to the businesses affiliated with the nursing homes. There are various healthcare providers and business who use the EMRs and healthcare transaction records to consult, or collaborate, with nursing homes to provide healthcare services to the nursing home residents, including medication prescribers, pharmacies, dietitians, occupational therapists, physical therapists, speech therapists, radiologists, laboratory services, etc.

At first glance, utilizing electronic medical records or electronic health networks encourages convenience for accessibility of data relative to nursing home residents for the affiliate providers and businesses. However, such accessibility has a high potential to introduce a multitude of problems and concerns. For instance, HB 786 seems to remove from the residents the authority to direct the release of their medical records and healthcare transaction information. Granting the authority for releasing the records outside the residents’ control increases the likelihood that the medical and transactional records will be at odds with the wishes of the residents and will escape the personal and careful attention that the residents pay to their records. This will thus also increase the risk that the sensitive information will not be as protected as it is currently and may create violations of the Health Insurance Portability and Accountability Act (HIPAA) and other rules and laws governing the confidentiality of medical records and information. Without further assurances as to how this widening of authority will not jeopardize the confidentiality of the records, the Board has concerns that the risk will increase that the residents will be subject to privacy and financial security violations.

For these reasons, the Maryland State Board of Long-Term Care Administrators urges an unfavorable report on HB 786.

I hope this information is useful. If you would like to discuss this further, please contact me at ciaraj.lee1@maryland.gov or (410) 764-4749.

Sincerely,

A handwritten signature in blue ink that reads "Ciara J. Lee". The signature is written in a cursive style with a small dot above the 'i' in "Ciara".

Ciara J. Lee, MS
Executive Director
Maryland State Board of
Long-Term Care Administrators

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