

Testimony of the Alzheimer's Association Greater Maryland and National Capital Area Chapters  
**HB 786 - Electronic Health Networks and Electronic Medical Records - Nursing Homes - Release of Records**

Position: Unfavorable

Chair Pena-Melnyk and Vice Chair Cullison,

The Alzheimer's Association – representing the over 110,000 Marylanders with Alzheimer's and other forms of dementia, along with their caregivers – submits this testimony in opposition to House Bill 786. This legislation authorizes 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 electronic medical records and electronic health care transactions to a business associate of the nursing home.

Our organization strongly supports the residents of nursing home facilities, over 40 percent of whom have Alzheimer's or another form of dementia. Yet we are concerned by this legislation for multiple reasons:

- **Resident autonomy.** If this legislation is enacted, it would appear to restrict patients' ability to control their own medical records. Patient records should not be made widely accessible without their expressed consent, whenever possible. Our most vulnerable Marylanders deserve more protections, and not fewer, in the name of the almighty dollar.
- **HIPAA.** As detailed in the Letter of Concern by the Board of Long-Term Care Examiners (for the Senate cross-file), this legislation increases 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.
- **Profit motive of third-party companies.** The use of patient data can have positive implications, in terms of mining it to save costs. Yet that also can serve to enrich third party "business associates", in this for-profit industry, on the backs of some of our most vulnerable Marylanders.

Lastly, we would note that for the Senate cross-file—the one entity that supports not for profit long-term care providers, LeadingAge—did not submit testimony on this bill. This is a glaring omission, as these entities have worked in lock step throughout the COVID-19 pandemic. We ask for an unfavorable report on this legislation.