



**TESTIMONY BEFORE THE
SENATE FINANCE COMMITTEE**

Senate Bill 648: Electronic Health Networks and Electronic Medical Records –
Nursing Homes - Release of Records
March 1, 2023
Written Testimony Only

POSITION: FAVORABLE

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 648. HFAM represents skilled nursing centers and assisted living communities in Maryland, as well as associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state.

Senate Bill 648 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.

Nursing homes provide a critical safety net for Marylanders in need. People who receive care in skilled nursing and rehabilitation centers often have multiple medical conditions such as congestive heart failure, diabetes, and hypertension. If not cared for a nursing home, these Marylanders would most likely receive care in a hospital at a much higher cost.

It is essential that nursing homes are empowered to provide coordinated, multi-disciplinary care. Modern data mining tools have been developed to take a deep dive in to patient data and guide staff in the early diagnosis and treatment of health issues.

The data contained in an electronic health record (EHR) belongs to the patient. Federal laws have been passed to protect a patient's record and make their record available to the care team. Unfortunately, through unintended loop holes, some EHR companies operate as if they own the data and may even try to monetize that data to the detriment of the patient's care.

These EHR companies make data difficult to obtain by charging exorbitant fees to gain access to complete data, potentially harming the Maryland CRISP program in addition to patient care.

The intent of this legislation is to support the continued access of the CRISP program, which will save money under the Total Cost of Care Contract. It establishes that chosen partners, while following HIPAA regulations, should have unobstructed access to patient data contained in the EHR. This is critical to ensuring that the medical team has tools they need to guide quality care. We cannot allow EHR companies to hold resident and patient data hostage at the detriment of care.

For these reasons, we respectfully request a favorable report from the Committee on Senate Bill 648.

Submitted by:

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