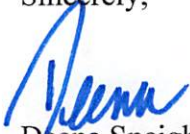


The Board fully supports an adult patient's right to access the patient's records and reports and believes the current 5-year maintenance period, absent notification and an opportunity to retrieve, is appropriate.

The Board fully supports the right to access patient records and reports by a minor patient's parent or legal guardian or a minor patient in certain circumstances and believes the current 10-year maintenance period, absent notification and an opportunity to retrieve, is appropriate.

If you would like to discuss this further, please do not hesitate to contact Deena Speights-Napata, MA, Executive Director, at [deena.speights-napata@maryland.gov](mailto:deena.speights-napata@maryland.gov) or (410) 764-4753.

Sincerely,



Deena Speights-Napata, MA  
Executive Director  
Maryland Board of Pharmacy

**HB 149 substantially alters the record-keeping responsibilities of a pharmacist – minor patient**

Currently, absent **notification** to a minor patient's parent or legal guardian or to a minor patient in certain circumstances, a pharmacist may not destroy a minor patient's record or report until the patient attains the **age of majority plus 3 years or for 5 years** after the record or report is made, whichever is later. Md. Code Ann., Health General § 4-403(c). Should a minor patient's parent or legal guardian or a minor patient in certain circumstances object to destruction, the minor patient's parent or legal guardian or the minor patient in certain circumstances has an **opportunity to retrieve** the patient's record or report within 30 days of the proposed date of destruction. Md. Code Ann., Health General § 4-403(d)(3).

HB 149 prevents a pharmacist from destroying a minor patient's record or report for **10 years** after the record or report is made, unless the pharmacist (1) sends a minor patient's parent or legal guardian or a minor patient in certain circumstances, by first-class mail, a **request** to destroy a record or report and (2) receives from the minor patient's parent or legal guardian or the minor patient in certain circumstances **written authorization** to destroy a record or report. HB 149 provides a minor patient's parent or legal guardian or a minor patient in certain circumstances who object to destruction an **opportunity to retrieve** the patient's record or report within **60 days** of the proposed date of destruction.

The Board is concerned that altering the record-keeping responsibility from the current one of notification may create significant administrative burdens for pharmacists. Requiring a pharmacist to store every record or report created for each of the pharmacist's patients for 10 years, absent sending a request to destroy a record or report and receiving a written authorization to destroy a record or report will create compliance issues, particularly for pharmacists who maintain paper records. Additionally, should a patient relocate from the last known address or fail to respond for any reason, HB 149 requires a pharmacist to maintain records for a decade. Furthermore, a pharmacy may have the records and reports of thousands of patients. Requiring a pharmacist to send first-class notice to every patient, many of whom may have relocated or passed away, would be an unreasonable administrative burden. The Board is concerned that changing the notice requirement and extending the duration of record-keeping will unnecessarily overwhelm health care providers with administrative work that limits their ability to provide pharmaceutical services to their patients.



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

---

## MARYLAND BOARD OF PHARMACY

February 7, 2024

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

### **RE: House Bill 149 – Medical Records – Destruction – Authorization**

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Board of Pharmacy (Board) respectfully submits this letter of concern for House Bill (HB) 149 – Medical Records – Destruction – Authorization.

#### **HB 149 substantially alters the record-keeping responsibilities of a pharmacist – adult patient**

Currently, absent **notification**, a pharmacist may not destroy an adult patient's record or report for **5 years** after the record or report is made. Md. Code Ann., Health General § 4-403(b). Should an adult patient object to destruction, the patient has an **opportunity to retrieve** the patient's record or report within **30 days** of the proposed date of destruction. Md. Code Ann., Health General § 4-403(d)(3).

HB 149 prevents a pharmacist from destroying an adult patient's record or report for **10 years** after the record or report is made, unless the pharmacist (1) sends the adult patient, by first-class mail, a **request** to destroy a record or report and (2) receives from the adult patient **written authorization** to destroy a record or report. HB 149 provides an adult patient who objects to destruction an **opportunity to retrieve** the patient's record or report within **60 days** of the proposed date of destruction.

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