



The Maryland State Dental Association Opposes HB 149 – Medical Records – Destruction – Authorization

Submitted by Daniel T. Doherty, Jr. on Behalf of the Maryland State Dental Association

HB 149 changes the requirement that a patient be notified at least 5 years after a medical record, laboratory or x-ray report is made that the health care provider intends to destroy the records and reports. HB 149 substitutes an involved requirement that a patient or guardian be given a written request by first-class mail for authorization to destroy a record. The notification shall state the date the record is to be destroyed, and, if written authorization is received, give a designated location where the record may be retrieved within 60 days before destruction. However, the bill does not provide a method for destruction of records when the patient is no longer at the last address know to the provider, nor when a patient simply won't respond.

Medical providers are entitled to a reasonable procedure to destroy old medical records. They should not be burdened with sending written notice by the USPS, when technology allows quicker communication by email. They also are entitled to have the patient respond within a reasonable time frame clearly providing or denying authority to destroy records. Also, a retiring provider should not be required to maintain records for thousands of patients – much of which are paper records, for 10 years or more.

The MSDA acknowledges the horrible, but unique case, that gave rise to this legislative proposal. However, nothing in this bill appears to address the issue of abuse.

For these reasons, the MSDA requests that HB 149 receive an unfavorable report.

**Daniel T. Doherty, Jr.
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