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OFFICE OF THE ATTORNEY GENERAL**

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February 26, 2025

TO: The Honorable Joseline Peña-Melnyk
Chair, Health and Government Operations Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: House Bill 812 – Electronic Health Networks and Electronic Medical
Record Vendors of Nursing Homes - Release of Records - Enforcement-
Letter of Concern

The Office of the Attorney General (OAG) writes to express our concerns regarding **House Bill 812**, which, among other things, authorizes the Office of the Attorney General to enforce certain provisions of law addressing the sharing of electronic health networks or electronic medical records with business associates of a nursing home.

While the OAG appreciates the intent of this legislation, we believe that the OAG is not the most appropriate entity to enforce these provisions. The complexities surrounding electronic health records and health care transactions demand a nuanced approach that requires specialized knowledge and expertise in both healthcare compliance and technology.

The Medicaid Fraud and Vulnerable Victims Unit (MFVVU) is the unit within the OAG that typically enforces issues surrounding nursing homes. MFVVU is funded by a federal grant – the terms of which only allow the Unit to enforce issues related to fraud, abuse, or false claims. Electronic health records most certainly does not fall within the scope of MFVVU’s charge. The intricacies of health information management fall outside of the core competencies of any other division or unit in the OAG. A more suitable approach could be authorizing a health-specific regulatory body with experience in addressing the specific challenges and nuances related to health policy, information technology, and electronic health data to enforce the provisions of this

bill. This change could enhance the effectiveness of the bill and ensure that the interests of patients and nursing homes are safeguarded adequately.

We thank you for taking the time to consider our concerns. We look forward to seeing how this bill evolves and are hopeful that a solution will be found that prioritizes the health and privacy of our community.

cc: The Honorable Delegate Pam Guzzone
Health and Government Operations Committee Members