

To Whom It May Concern:

My name is Brian Brown, and I am a trial lawyer who represents residents and families in nursing home negligence and abuse cases across Maryland. I urge you to give an unfavorable report on HB 489.

Under current law, electronic health networks and electronic medical record vendors for nursing homes may not charge a fee for releasing patient medical records or electronic health care transactions when the nursing home directs that release to a third party. HB 489 deletes the protection against fees and would allow these vendors to charge for that release. The bill opens the door to a new, unregulated layer of costs in an area that is already expensive and difficult for families to navigate.

From a practical standpoint, this change will be felt most acutely by vulnerable residents and their families. Nursing home cases already involve high costs for obtaining records, expert review, and litigation. Allowing vendors to bill for releasing records will invite new fees that will get passed on to patients, families, and their counsel. For many of my clients, an extra few hundred dollars in record fees is enough to deter them from pursuing legitimate claims or from obtaining an independent review of a loved one's care. The result is less accountability for substandard care, not more efficiency.

There is no demonstrated problem that this bill supposedly solves. Vendors already get paid by nursing homes for providing EMR and network services. The existing prohibition on fees for these releases is a narrow, targeted protection that ensures the flow of information needed for monitoring patient care, coordinating services, and, when necessary, evaluating potential neglect or abuse. Removing that prohibition shifts bargaining power toward large technology vendors and away from residents, families, and small practices who do not have the leverage to negotiate these fees or absorb them as a cost of doing business.

Finally, HB 489 runs counter to Maryland's broader policy of promoting transparency in health care. Access to complete, timely medical records is the foundation for quality oversight, informed decision-making, and fair resolution of disputes. If we add another financial barrier between families and the truth about what happened in a nursing home, we should expect fewer meritorious cases to be brought, less deterrence of poor care, and more preventable harm that never comes to light.

For these reasons, and on behalf of the residents and families I represent, I respectfully ask the Committee to issue an unfavorable report on HB 489.

Thank you for your consideration.

Sincerely,

Brian S. Brown