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Health and Government Operations
Committee

Subcommittees

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HB 489 - Electronic Health Networks and Electronic Medical Record Vendors of Nursing Homes - Release of Records - Fees

Hearing: Wednesday, February 25 at 1 pm
Health Committee

Background: Electronic health networks (EHNs) and electronic health medical record vendors are already heavily regulated. In Maryland, EHNs must be certified by the Maryland Health Care Commission (MHCC), and any electronic health record companies whose systems include data exchange capabilities must register annually with the MHCC as health information exchanges (HIEs). Nationally, these companies are subject to both the federal 21st Century Cures Act (“Cures Act”), 42 U.S.C. § 300jj-52 and the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). Notably, the 21st Century Cures Act already prohibits “information blocking” or practices that are “likely to interfere with, prevent, or materially discourage access, exchange, or use of electronic health information” by EHNs and health medical record vendors.

In 2023, the Maryland General Assembly passed SB 684- Electronic Health Networks and Electronic Medical Records - Nursing Homes - Release of Records, which allowed nursing homes to direct electronic health networks or electronic medical record vendors contracting with the nursing home to release patient medical records or electronic health care transactions to third party business associates of the nursing home.

While the majority of the bill included common sense requirements to facilitate information sharing of patient medical records or health care transactions, the bill also included a provision prohibiting electronic health networks or electronic medical record vendors from charging any fees to the third party business associates for the release of those records, regardless of the manner of access, volume of records released, or reasonableness of the request.

Bil Summary: House Bill 489 - Electronic Health Networks and Electronic Medical Record Vendors of Nursing Homes - Release of Records – Fees. is a straightforward bill that seeks one thing: to allow electronic health network or electronic medical record vendors to charge reasonable fees for the release of patient records to the third-party business associates of nursing homes.

The bill preserves the reasonable requirements within SB 684 to facilitate and encourage information sharing, but it allows the companies that used their capital and innovation to recoup some of their investment in electronic health record systems and networks by charging reasonable fees for the time, effort and maintenance of the technology required to share this information with third party business associates.

Just as other commercial ventures do when providing important services, the companies that have developed and maintain electronic health records systems are constantly innovating and evolving to keep pace with new technologies while working to ensure that their products keep up with the dynamic needs of health care providers and patients. This bill simply allows these companies to charge reasonable fees when other business entities request information from their proprietary system. The reasonable fees discussed here do not apply to residents of the skilled nursing facility or the skilled nursing facilities themselves

As a result, I am seeking a favorable report on SB 684 - Electronic Health Networks and Electronic Medical Records - Nursing Homes - Release of Records.