

HOUSE BILL 714

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By: **Delegates Pena–Melnyk, Barron, Bromwell, Cullison, Hammen, Hayes, Hill, Kelly, Miele, Morgan, Oaks, Rose, Sample–Hughes, Tarlau, West, and K. Young**

Introduced and read first time: February 5, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes – Health Care Quality Account – Adoption and Use of Electronic**
3 **Health Records**

4 FOR the purpose of altering the purposes for which the Health Care Quality Account must
5 be used to require that the Account be used for the adoption and use, including for
6 data mining, of certain electronic health records by nursing homes; and generally
7 relating to the Health Care Quality Account.

8 BY repealing and reenacting, without amendments,
9 Article – Health – General
10 Section 19–142(c)
11 Annotated Code of Maryland
12 (2015 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 19–1407
16 Annotated Code of Maryland
17 (2015 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 19–142.

22 (c) “Electronic health record” means an electronic record of health–related
23 information on an individual that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) Includes patient demographic and clinical health information; and
2 (2) Has the capacity to:
3 (i) Provide clinical decision support;
4 (ii) Support physician order entry;
5 (iii) Capture and query information relevant to health care quality;
6 and
7 (iv) Exchange electronic health information with and integrate the
8 information from other sources.

9 19–1407.

10 (a) (1) There is a Health Care Quality Account established in the Department.

11 (2) The Health Care Quality Account shall be funded by civil money
12 penalties paid by nursing homes and other penalties that the Office of Health Care Quality
13 may assess.

14 (3) The Department shall pay all penalties collected under this title to the
15 Comptroller of the State.

16 (4) The Comptroller shall distribute the funds collected under this title to
17 the Health Care Quality Account.

18 (5) The Health Care Quality Account is a continuing, nonlapsing fund, not
19 subject to § 7–302 of the State Finance and Procurement Article.

20 (6) Any unspent portions of the Health Care Quality Account may not be
21 transferred or reverted to the General Fund of the State, but shall remain in the Health
22 Care Quality Account to be used for the purposes specified in this section.

23 (b) The Health Care Quality Account shall be used for training, grant awards,
24 demonstration projects, **AND THE ADOPTION AND USE, INCLUDING FOR DATA MINING,**
25 **OF ELECTRONIC HEALTH RECORDS, AS DEFINED IN § 19–142 OF THIS TITLE, BY**
26 **NURSING HOMES** or other purposes designed to improve the quality of care.

27 (c) The Department shall adopt regulations for the distribution of funds from the
28 Health Care Quality Account.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2016.