

SENATE BILL 459

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9lr2045
CF HB 868

By: **Senator Waldstreicher**

Introduced and read first time: February 4, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2019

CHAPTER _____

1 AN ACT concerning

2 **Medical Records – Compulsory Process Requests – Advisory Protocol and**
3 **Voluntary Training Webinar**

4 FOR the purpose of requiring, on or before a certain date, the Office of the Attorney General
5 to develop a certain advisory protocol and voluntary training ~~program~~; webinar;
6 requiring and authorizing the Office to consult certain entities in developing the
7 advisory protocol and voluntary training ~~program~~; webinar; requiring the Office to
8 post a certain advisory protocol and voluntary training webinar on its website on or
9 before a certain date; requiring the Office to track the traffic on a certain website to
10 the extent practicable beginning on a certain date; encouraging certain health
11 occupations boards to disseminate, to the extent practicable, a certain advisory
12 protocol and voluntary training webinar; requiring the Office, in consultation with
13 the Department, to report to the Governor and the General Assembly on or before a
14 certain date; providing for the termination of this Act; and generally relating to an
15 advisory protocol and voluntary training webinar on the disclosure of medical records
16 in response to compulsory process.

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That:

19 (a) On or before September 30, 2020, the Office of the Attorney General shall
20 develop an advisory protocol and voluntary training ~~program~~ webinar for health care
21 providers regarding how to respond to compulsory process requests for medical records that
22 includes information regarding:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) the requirements of:

2 ~~(1)~~ (i) the federal Health Insurance Portability and Accountability Act
3 of 1996 and any regulations adopted under the Act;

4 ~~(2)~~ (ii) Title 4, Subtitle 3 of the Health – General Article; ~~and~~

5 ~~(3)~~ (iii) §§ 9–109, 9–109.1, and 9–121 of the Courts Article; and

6 (iv) Maryland Court Rules; and

7 (2) the differences between the types of compulsory process requests,
8 including subpoenas, summonses, warrants, and court orders.

9 (b) In developing the advisory protocol and voluntary training ~~program~~ webinar
10 under subsection (a) of this section, the Office of the Attorney General ~~shall consult:~~

11 (1) ~~the Maryland Department of Health~~ may consult with the Maryland
12 State Bar Association, the Maryland Hospital Association, or any other interested health
13 organization; and

14 (2) ~~MedChi, the Maryland State Medical Society;~~ shall consult any health
15 occupations board established under the Health Occupations Article that requests to be
16 consulted in the development in the advisory protocol and voluntary training webinar.

17 ~~(3) the Maryland Nurses Association;~~

18 ~~(4) the Maryland State Dental Association;~~

19 ~~(5) the National Association of Social Workers – Maryland Chapter;~~

20 ~~(6) the Maryland Clinical Social Work Coalition;~~

21 ~~(7) the Maryland Psychological Association;~~

22 ~~(8) the Maryland Pharmacists Association; and~~

23 ~~(9) any other health professional association or public health entity in the~~
24 ~~State that elects to participate.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That:

26 (a) (1) On or before September 30, 2020, the Office of the Attorney General
27 shall post on its website an advisory protocol and voluntary training webinar for health
28 care providers regarding how to respond to compulsory process requests for medical
29 records.

1 (2) Beginning on September 30, 2020, the Office of the Attorney General
2 shall track the traffic on the website established under paragraph (1) of this subsection, to
3 the extent practicable.

4 (b) Each health occupations board established under the Health Occupations
5 Article is encouraged to disseminate, to the extent practicable, information regarding the
6 advisory protocol and voluntary training webinar posted on the Office of the Attorney
7 General's website under subsection (a)(1) of this section.

8 (c) On or before December 31, 2020, the Office of the Attorney General shall
9 report on the implementation and effectiveness of this Act to the Governor and, in
10 accordance with § 2-1246 of the State Government Article, the General Assembly.

11 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2019. Section 1 of this Act shall remain effective for a period of 1 year and 3 months
13 and, at the end of September 30, 2020, Section 1 of this Act, with no further action required
14 by the General Assembly, shall be abrogated and of no further force and effect. Section 2 of
15 this Act shall remain effective for a period of 2 years and, at the end of June 30, 2021,
16 Section 2 of this Act, with no further action required by the General Assembly, shall be
17 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.