

HOUSE BILL 786

J1, J3

3lr2465
CF SB 648

By: ~~Delegate Guzzone~~ Delegates Guzzone, Alston, Bagnall, Bhandari, Chisholm, Cullison, Hill, Hutchinson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Rosenberg, Taveras, White, and Woods

Introduced and read first time: February 8, 2023
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 2023

CHAPTER _____

1 AN ACT concerning

2 **Electronic Health Networks and Electronic Medical Records – Nursing Homes –**
3 **Release of Records**

4 FOR the purpose of authorizing a nursing home that contracts with or uses an electronic
5 health network or electronic medical record vendor to direct the network or vendor
6 to release electronic medical records and electronic health care transactions to a
7 business associate of the nursing home; and generally relating to electronic health
8 networks and electronic medical records.

9 BY adding to
10 Article – Health – General
11 Section 4–302.5
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2022 Supplement)

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

16 **Article – Health – General**

17 **4–302.5.**

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 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "BUSINESS ASSOCIATE" HAS THE MEANING STATED IN 45 C.F.R.
4 ~~§ 106.103~~ § 160.103.

5 (3) "ELECTRONIC HEALTH CARE TRANSACTIONS" HAS THE MEANING
6 STATED IN § 4-302.3 OF THIS SUBTITLE.

7 (4) "ELECTRONIC HEALTH NETWORK" HAS THE MEANING STATED IN
8 § 4-302.3 OF THIS SUBTITLE.

9 (5) "NURSING HOME" HAS THE MEANING STATED IN § 19-1401 OF
10 THIS ARTICLE.

11 (B) (1) IF A NURSING HOME CONTRACTS WITH OR USES AN ELECTRONIC
12 HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR, THE NURSING
13 HOME MAY DIRECT THE ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL
14 RECORD VENDOR TO RELEASE PATIENT MEDICAL RECORDS OR ELECTRONIC
15 HEALTH CARE TRANSACTIONS HELD BY THE ELECTRONIC HEALTH NETWORK OR
16 ELECTRONIC MEDICAL RECORD VENDOR TO A BUSINESS ASSOCIATE OF THE
17 NURSING HOME.

18 (2) AN ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL
19 RECORD VENDOR RELEASING PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH
20 CARE TRANSACTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION:

21 (I) SHALL RELEASE THE PATIENT MEDICAL RECORDS OR
22 ELECTRONIC HEALTH CARE TRANSACTIONS IN AN ELECTRONIC FORMAT THAT
23 CONFORMS TO THE SPECIFICATIONS OF THE OFFICE OF THE NATIONAL
24 COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY OR ANOTHER FORM
25 REQUIRED BY THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE;

26 (II) SHALL MAKE THE PATIENT MEDICAL RECORDS OR
27 ELECTRONIC HEALTH CARE TRANSACTIONS AVAILABLE ON A REGULAR BASIS AND
28 RELEASE THE INFORMATION IN A TIMELY MANNER TO SUPPORT PATIENT CARE AND
29 MONITORING; AND

30 (III) MAY NOT RESTRICT, LIMIT, OR CHARGE A FEE FOR THE
31 RELEASE OF THE PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH CARE
32 TRANSACTIONS.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
34 1, 2023.