

# HOUSE BILL 786

J1, J3

3lr2465  
CF SB 648

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By: **Delegate Guzzone**

Introduced and read first time: February 8, 2023

Assigned to: Health and Government Operations

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## A BILL ENTITLED

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.**

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

20 (2) “BUSINESS ASSOCIATE” HAS THE MEANING STATED IN 45 C.F.R.  
21 § 106.103.

22 (3) “ELECTRONIC HEALTH CARE TRANSACTIONS” HAS THE MEANING  
23 STATED IN § 4–302.3 OF THIS SUBTITLE.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (4) “ELECTRONIC HEALTH NETWORK” HAS THE MEANING STATED IN  
2 § 4-302.3 OF THIS SUBTITLE.

3           (5) “NURSING HOME” HAS THE MEANING STATED IN § 19-1401 OF  
4 THIS ARTICLE.

5           (B) (1) IF A NURSING HOME CONTRACTS WITH OR USES AN ELECTRONIC  
6 HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR, THE NURSING  
7 HOME MAY DIRECT THE ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL  
8 RECORD VENDOR TO RELEASE PATIENT MEDICAL RECORDS OR ELECTRONIC  
9 HEALTH CARE TRANSACTIONS HELD BY THE ELECTRONIC HEALTH NETWORK OR  
10 ELECTRONIC MEDICAL RECORD VENDOR TO A BUSINESS ASSOCIATE OF THE  
11 NURSING HOME.

12           (2) AN ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL  
13 RECORD VENDOR RELEASING PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH  
14 CARE TRANSACTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION:

15           (I) SHALL RELEASE THE PATIENT MEDICAL RECORDS OR  
16 ELECTRONIC HEALTH CARE TRANSACTIONS IN AN ELECTRONIC FORMAT THAT  
17 CONFORMS TO THE SPECIFICATIONS OF THE OFFICE OF THE NATIONAL  
18 COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY OR ANOTHER FORM  
19 REQUIRED BY THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE;

20           (II) SHALL MAKE THE PATIENT MEDICAL RECORDS OR  
21 ELECTRONIC HEALTH CARE TRANSACTIONS AVAILABLE ON A REGULAR BASIS AND  
22 RELEASE THE INFORMATION IN A TIMELY MANNER TO SUPPORT PATIENT CARE AND  
23 MONITORING; AND

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

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2023.