

# SENATE BILL 648

J1, J3

(3lr2282)

## ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senator Rosapepe**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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, ~~with the consent of the patient~~  
6 ~~or patient's personal representative,~~ to direct the network or vendor to release  
7 electronic medical records and electronic health care transactions to a business  
8 associate of the nursing home; and generally relating to electronic health networks  
9 and electronic medical records.

10 BY adding to

11 Article – Health – General

12 Section 4–302.5

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2022 Supplement)

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



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

3 Article – Health – General

4 4–302.5.

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

7 (2) “BUSINESS ASSOCIATE” HAS THE MEANING STATED IN 45 C.F.R.  
8 ~~§ 106.103~~ § 160.103.

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

11 (4) “ELECTRONIC HEALTH NETWORK” HAS THE MEANING STATED IN  
12 § 4–302.3 OF THIS SUBTITLE.

13 (5) “NURSING HOME” HAS THE MEANING STATED IN § 19–1401 OF  
14 THIS ARTICLE.

15 (B) (1) IF A NURSING HOME CONTRACTS WITH OR USES AN ELECTRONIC  
16 HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR, THE NURSING  
17 HOME, ~~WITH THE CONSENT OF THE PATIENT OR THE PATIENT’S PERSONAL~~  
18 ~~REPRESENTATIVE AS REQUIRED UNDER THE HEALTH INSURANCE PORTABILITY~~  
19 ~~AND ACCOUNTABILITY ACT OF 1996,~~ MAY DIRECT THE ELECTRONIC HEALTH  
20 NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR TO RELEASE PATIENT  
21 MEDICAL RECORDS OR ELECTRONIC HEALTH CARE TRANSACTIONS HELD BY THE  
22 ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR TO A  
23 BUSINESS ASSOCIATE OF THE NURSING HOME.

24 (2) AN ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL  
25 RECORD VENDOR RELEASING PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH  
26 CARE TRANSACTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION:

27 (I) SHALL RELEASE THE PATIENT MEDICAL RECORDS OR  
28 ELECTRONIC HEALTH CARE TRANSACTIONS IN AN ELECTRONIC FORMAT THAT  
29 CONFORMS TO THE SPECIFICATIONS OF THE OFFICE OF THE NATIONAL  
30 COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY OR ANOTHER FORM  
31 REQUIRED BY THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE;

1 (II) SHALL MAKE THE PATIENT MEDICAL RECORDS OR  
2 ELECTRONIC HEALTH CARE TRANSACTIONS AVAILABLE ON A REGULAR BASIS AND  
3 RELEASE THE INFORMATION IN A TIMELY MANNER TO SUPPORT PATIENT CARE AND  
4 MONITORING; ~~AND AND~~

5 (III) MAY NOT RESTRICT, ~~LIMIT, OR CHARGE A FEE FOR~~ ~~OR~~  
6 ~~LIMIT, LIMIT, OR CHARGE A FEE FOR~~ THE RELEASE OF THE PATIENT MEDICAL  
7 RECORDS OR ELECTRONIC HEALTH CARE TRANSACTIONS; ~~AND~~

8 ~~(IV) MAY NOT CHARGE A FEE TO A BUSINESS ASSOCIATE~~  
9 ~~CONTRACTED WITH THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE TO~~  
10 ~~IMPROVE NURSING HOME QUALITY THROUGH DATA INTEGRATION, UNLESS THE FEE~~  
11 ~~IS APPROVED BY THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE.~~

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2023.

Approved:

\_\_\_\_\_  
Governor.

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President of the Senate.

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Speaker of the House of Delegates.