

Chapter 333

(Senate Bill 648)

AN ACT concerning

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

FOR the purpose of authorizing a nursing home that contracts with or uses an electronic health network or electronic medical record vendor, ~~with the consent of the patient or patient's personal representative,~~ to direct the network or vendor to release electronic medical records and electronic health care transactions to a business associate of the nursing home; and generally relating to electronic health networks and electronic medical records.

BY adding to

Article – Health – General

Section 4–302.5

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

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

Article – Health – General**4–302.5.**

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

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

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

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

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

(B) (1) IF A NURSING HOME CONTRACTS WITH OR USES AN ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR, THE NURSING

~~HOME, WITH THE CONSENT OF THE PATIENT OR THE PATIENT'S PERSONAL REPRESENTATIVE AS REQUIRED UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996,~~ MAY DIRECT THE ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR TO RELEASE PATIENT MEDICAL RECORDS OR ELECTRONIC HEALTH CARE TRANSACTIONS HELD BY THE ELECTRONIC HEALTH NETWORK OR ELECTRONIC MEDICAL RECORD VENDOR TO A BUSINESS ASSOCIATE OF THE NURSING HOME.

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

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

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

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

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

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

Approved by the Governor, May 3, 2023.