



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

February 25, 2020

The Honorable Shane E. Pendergrass, Chair
Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401

RE: HB 340 – State Government – Protection of Information – Revisions (Maryland Data Privacy Act) – Letter of Support with Amendments

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (Department) supports House Bill 340 (HB 340). We urge the Committee's favorable report of HB 340 with amendment.

Protecting Marylanders' personally identifiable information (PII) is every state agency's obligation and duty. The Department fully supports the Administration's focus on data security, including the work of our counterparts at the Department of Information Technology. In addition, the Department has an additional duty to ensure that both it and all of our health-care associated agencies, such as the health regulatory commissions, the health occupation boards and commissions, and units linked to the Department through inter-agency agreements comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The U.S. Congress mandated that every American have specific rights, and that various agencies have specific duties with respect to protected health information (PHI). PHI and PII are similar, but distinct sets of information.

Due to unforeseen recent developments, the Department's counsel, along with counsel to the health occupation boards, are working with the Department of Information Technology's counsel to clarify the exceptions provision in HB 340 (page 5, line 2 – line 8) to prevent significant operational difficulties and fiscal challenges. Please see the attached amendment. We thank the Committee's patience and favorable consideration of this amendment.

If you have additional questions, please contact Director of Governmental Affairs Webster Ye at (410) 260-3190 or webster.ye@maryland.gov.

Sincerely,

Robert R. Neall
Secretary

Proposed Amendment to House Bill 340 (MD Department of Health)

Amendment No. 1

On page 5, line 1, strike the word “exclusively”.