

HOUSE BILL 806

J3, J1

4lr1257

By: **Delegates Lee, Carr, Conway, Cullison, Glenn, Gutierrez, A. Kelly, McComas, McDonough, Rudolph, and Stukes**

Introduced and read first time: February 3, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health Information Exchanges – Protected Health Information – Regulations**

3 FOR the purpose of requiring certain regulations for protected health information
4 obtained or released through a certain health information exchange to govern
5 the access, use maintenance, disclosure, and redisclosure of protected health
6 information as required by State or federal law; and generally relating to health
7 information exchanges and regulations for protected health information.

8 BY repealing and reenacting, with amendments,

9 Article – Health – General

10 Section 4–302.2

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2013 Supplement)

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

15 **Article – Health – General**

16 4–302.2.

17 (a) The Maryland Health Care Commission shall adopt regulations for the
18 privacy and security of protected health information obtained or released through a
19 health information exchange by:

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 (1) A health care provider;

2 (2) A payor that holds a valid certificate of authority issued by the
3 Maryland Insurance Commissioner;

4 (3) A health care consumer; or

5 (4) Any person authorized by a health care consumer to act on behalf
6 of the health care consumer.

7 (b) The regulations adopted under subsection (a) of this section shall
8 [include]:

9 (1) **GOVERN THE ACCESS, USE, MAINTENANCE, DISCLOSURE,**
10 **AND REDISCLOSURE OF PROTECTED HEALTH INFORMATION AS REQUIRED BY**
11 **STATE OR FEDERAL LAW, INCLUDING THE FEDERAL HEALTH INSURANCE**
12 **PORTABILITY AND ACCOUNTABILITY ACT AND THE FEDERAL HEALTH**
13 **INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT; AND**

14 (2) **INCLUDE** protections for the secondary use of protected health
15 information obtained or released through a health information exchange.

16 (c) Data obtained or released through a health information exchange:

17 (1) May not be sold for financial remuneration until the regulations
18 required under subsections (a) and (b) of this section are adopted; and

19 (2) May be sold for financial remuneration only in accordance with the
20 regulations adopted under subsections (a) and (b) of this section.

21 (d) Regulations adopted under subsections (a) and (b) of this section may not
22 apply to protected health information exchanged:

23 (1) Between a hospital and credentialed members of the hospital's
24 medical staff;

25 (2) Among credentialed members of a hospital's medical staff; or

26 (3) Between a hospital and ancillary clinical service providers that are
27 affiliated with the hospital and have signed a business associate agreement.

28 (e) The Maryland Health Care Commission shall consult with health care
29 providers, payors, State health agencies, consumer advocates, and employers before
30 adopting regulations under subsections (a) and (b) of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.