

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Departmental

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By: **Leave Blank (By Request – Departmental – Maryland Insurance Administration)**

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Health Information – Disclosures Between Carriers**

3 FOR the purpose of requiring a carrier to disclose protected health information to another
4 carrier for certain activities under certain circumstances; requiring any request for
5 or disclosure of protected health information to comply with certain federal laws and
6 regulations; defining certain terms; and generally relating to the disclosure of health
7 information between health insurance carriers.

8 BY adding to

9 Article – Insurance

10 Section 15–1412

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2019 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Insurance**

16 **15–1412.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(2) "HEALTH CARE OPERATIONS" HAS THE MEANING STATED IN 45**
4 **C.F.R. § 164.501.**

5 **(3) "PROTECTED HEALTH INFORMATION" HAS THE MEANING STATED**
6 **IN 45 C.F.R. § 160.103.**

7 **(B) ON REQUEST AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, A**
8 **CARRIER SHALL DISCLOSE PROTECTED HEALTH INFORMATION TO ANOTHER**
9 **CARRIER FOR HEALTH CARE OPERATIONS ACTIVITIES OF THE CARRIER THAT**
10 **RECEIVES THE PROTECTED HEALTH INFORMATION IF:**

11 **(1) EACH CARRIER HAS OR HAD A RELATIONSHIP WITH THE**
12 **INDIVIDUAL WHO IS THE SUBJECT OF THE PROTECTED HEALTH INFORMATION TO BE**
13 **DISCLOSED;**

14 **(2) THE PROTECTED HEALTH INFORMATION RELATES TO THE**
15 **RELATIONSHIP BETWEEN THE INDIVIDUAL WHO IS THE SUBJECT OF THE**
16 **PROTECTED HEALTH INFORMATION AND THE CARRIER THAT RECEIVES THE**
17 **PROTECTED HEALTH INFORMATION; AND**

18 **(3) THE DISCLOSURE IS LIMITED TO PROTECTED HEALTH**
19 **INFORMATION THAT RELATES TO CASE MANAGEMENT AND CARE COORDINATION**
20 **ACTIVITIES PROVIDED TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE**
21 **PROTECTED HEALTH INFORMATION.**

22 **(C) ANY REQUEST FOR OR DISCLOSURE OF PROTECTED HEALTH**
23 **INFORMATION MUST COMPLY WITH:**

24 **(1) THE FEDERAL HEALTH INSURANCE PORTABILITY AND**
25 **ACCOUNTABILITY ACT OF 1996 AND THE CORRESPONDING PRIVACY AND SECURITY**
26 **REGULATIONS, INCLUDING:**

27 **(I) THE STANDARDS FOR USES AND DISCLOSURES OF**
28 **PROTECTED HEALTH INFORMATION ESTABLISHED IN 45 C.F.R. § 164.502;**

1 **(II) FOR THE REQUESTING CARRIER, THE IMPLEMENTATION**
2 **SPECIFICATIONS ESTABLISHED IN 45 C.F.R. § 164.514(D)(1); AND**

3 **(III) FOR THE DISCLOSING CARRIER, THE IMPLEMENTATION**
4 **SPECIFICATIONS ESTABLISHED IN 45 C.F.R. § 164.514(D)(3) AND (5); AND**

5 **(2) THE FEDERAL HEALTH INFORMATION TECHNOLOGY FOR**
6 **ECONOMIC AND CLINICAL HEALTH ACT OF 2009.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2020.

DRAFT