

Implementing Protections for Legally Protected Health Information

How to Submit Implementation Updates – Information for Technology Vendors

September 22, 2025

Background

During the 2023 legislative session, the Maryland General Assembly passed Chapter 248 (Senate Bill 786) and Chapter 249 (House Bill 812), *Health - Reproductive Health Services - Protected Information and Insurance Requirements* (law). The law prohibits the disclosure of legally protected health information (LPHI) by electronic health network (EHN) and health information exchange (HIE) entities operating in the State (also referred to as technology vendors) with some exceptions.¹ LPHI is defined under COMAR 10.11.08, *Abortion Care Disclosure*, and includes mifepristone data and related codes for abortion care; other sensitive health services may be added to the scope of LPHI, as determined by the Secretary of Health.

In June 2025, the Secretary approved five new diagnosis codes specific to gender-affirming care, based on a recommendation from the Protected Health Care Commission. Amendments to the regulations are anticipated to be finalized in Q1 2026. In the interim, nearly all technology vendors have expressed an intent to begin preparing for implementation of protections for the gender-affirming care codes concurrently with the regulatory process, as requested by the Chairs of the Senate Finance Committee and the House Health and Government Operations Committee.

The law tasks the Maryland Health Care Commission (MHCC) with ensuring that technology vendors implement the required technical capabilities to filter and restrict from disclosure LPHI. Existing EHN and HIE regulatory frameworks, COMAR 10.25.07, *Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses* and COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*, support implementation of the law.² Most technology vendors expect to have the technical capability to block the required codes by the end of 2025; however, more time is needed to restrict text-based (non-structured) LPHI and enable the exchange of LPHI with a specific treating provider when direct consent is obtained.³

¹ Exceptions include disclosure for the adjudication of claims and to a specific treating provider at the written request and with the consent of a patient or a parent or guardian of a patient.

² The MHCC adopted emergency regulations in February 2024 as required by the law. Final regulations were published in the May 3rd issue of the Maryland Register, with an effective date of May 13, 2024.

³ In December 2024, MHCC issued time-limited exemptions to select vendors. Please note, MHCC will consider the need to grant exemptions beyond 2025 on a case-by-case basis.

ONGOING IMPLEMENTATION UPDATES

The MHCC requests that technology vendors submit ongoing implementation updates at least biannually. **The following information on the development of LPHI technological capabilities and policies is requested by September 30, 2025.** NOTE: Please omit trade secrets or confidential business and financial information as defined in the Maryland Public Information Act.⁴

Name of individual completing the form: _____

Title: _____

Entity Name: _____

1. Indicate timelines to ensure legal compliance:

Technology Vendor Implementation					
Development of LPHI Technological Capabilities and Policies					
Select "Complete" if available or planned timeframe (Q4 25, Q1 26, or Q2 26) to be made available to clients; provide a detailed explanation for timeframes that extend beyond Q2 2026					
		Complete	Q4 2025	Q1 2026	Q2 2026
Mifepristone and Related Abortion Care	Codes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Text	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Direct Consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Affirming Care	Codes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Text	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Direct Consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Please provide the estimated percentage of clients that have implemented the technological capabilities and/or policies:

Client Implementation		
Estimated Percentage of Clients Using New Technological Capabilities		
Mifepristone and Related Abortion Care	Codes	
	Text	
	Direct Consent	
Gender Affirming Care	Codes	
	Text	
	Direct Consent	

⁴ The Maryland Public Information Act Manual is available at: www.marylandattorneygeneral.gov/OpenGov%20Documents/Chapter3.pdf.

3. Describe the approach to inform clients and support their implementation of new LPHI requirements and technological capabilities. Please note activities completed, underway, and/or planned, highlighting any communications related to the new gender-affirming care codes.

Signature: _____

Name: _____

Title: _____

Date: _____

AFFIRMATION OF COMPLIANCE

An EHN or HIE that has complied with all LPHI technical requirements (codes, text, and direct consent) must provide an Affirmation of Compliance [here](#).

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