



August 1, 2024

The Honorable Pamela G. Beidle
Chair, Senate Finance Committee
James Senate Office Building, Room 202
11 Bladen Street
Annapolis, MD 21401

The Honorable Joseline A. Peña-Melnyk
Chair, Health and Government Operations Committee
Taylor House Office Building, Room 241
6 Bladen Street
Annapolis, MD 21401

RE: SB0786/CH0248, HB0812/CH0249, 2023 – Health - Reproductive Health Services - Protected Information and Insurance Requirements (April – June 2024 Report) (MASAR #14912)

Dear Chair Beidle and Chair Peña-Melnyk:

The Maryland Health Care Commission (“Commission”) is submitting this letter to the Senate Finance Committee and the House Health and Government Operations Committee as required by § 4–302.5 of the Health – General Article (“law”). This marks the fourth status update on the implementation of Commission’s emergency regulations mandated by law. The regulations restrict electronic health network (“EHN”) and health information exchange (“HIE”) entities operating in the State from exchanging information on patients who have received legally protected health care.

Final regulations for EHNs (COMAR 10.25.07, *Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses*) and HIEs (COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*) were published in the May 3rd issue of the Maryland Register, with an effective date of May 13, 2024. These regulatory frameworks mandate EHNs and HIEs comply with the law and COMAR 10.11.08, *Abortion Care Disclosure*, which defines the scope of legally protected health information (“LPHI”).

EHNs and HIEs that submitted implementation plans in January 2024 complied with the regulatory requirement to submit a status update report by April 1, 2024, and to validate compliance by June 1, 2024. All HIEs and a few EHNs have indicated there is need for additional time to develop and implement the necessary technical capabilities to prevent the release of LPHI. These timelines are generally expected to extend through 2025.

HIEs foresee additional delays, noting that clients frequently require a year or more to finalize the installation of upgrades post-release. Various health systems and ambulatory practices have voiced concerns about deploying software without thorough systematic reviews to identify potential deficiencies. They have noted that the absence of these reviews has the potential to adversely affect both operational efficiency and patient safety.

Two Town Halls were held in April and May to facilitate ongoing discussions on implementation and provide stakeholders with additional opportunities to ask questions about the regulatory requirements. During these sessions, the Commission presented updates to the EHN and HIE implementation guidance documents as well as outlined the process for requesting a time-limited exemption from the regulations. Currently, the Commission is in the process of reviewing exemption requests, with determinations expected to be made in July.

If you have any questions about this update, please do not hesitate to contact me at 410-764-3566 or ben.steffen@maryland.gov or Tracey DeShields, Director of Policy Development and External Affairs, at tracey.deshields2@maryland.gov or 410-764-3588.

Sincerely,



Ben Steffen,
Executive Director

cc:

President Bill Ferguson, Maryland General Assembly
Speaker Adrienne A. Jones, Maryland General Assembly
Marie Grant, Assistant Secretary, Health Policy, Maryland Department of Health,
Senate Finance Committee, and House Health and Government Operations Committee
Jonny Dorsey, Deputy Chief of Staff, Governor's Office
June Chung, Deputy Legislative Office, Governor's Legislative Office
Jason Heo, Governor's Office
Sophie Bergmann, Governor's Office
Senate Finance Committee Members
House Health And Government Operations Committee Members
Patrick Carlson, Senate Finance, Committee Counsel
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