



June 30, 2025

The Honorable Pamela G. Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
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 30, 2025)

Dear Chair Beidle and Chair Peña-Melnyk:

The Maryland Health Care Commission (“Commission” or “MHCC”) is submitting this letter to the Senate Finance Committee and the Health and Government Operations Committee, as required by Maryland Code, Health-General § 4-302.5 (“law”). This is the eighth update on electronic health networks (“EHNs”) and health information exchanges (“HIEs”) (collectively “vendors”) implementation of technical capabilities to restrict legally protected health information (“LPHI”) from data exchange. LPHI includes mifepristone data, as well as diagnoses, procedures, medications, or related codes for abortion care, as defined by COMAR 10.11.08, *Abortion Care Disclosure*. Existing regulatory frameworks 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 amended in 2024 and support the implementation of privacy protections for LPHI.

Vendors continue to make progress implementing the law. Nearly all EHNs fall under the permitted disclosure of LPHI for claims adjudication. Most HIEs are expected to have the technical capability to block the required codes by year’s end; 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. In December 2024, MHCC approved a 12-month exemption for HIEs, as permitted by COMAR 10.25.18. HIEs will

continue to submit ongoing written compliance updates to MHCC biannually in March and September.

The Commission continues to provide consultative support to HIEs and participates in quarterly meetings of the Electronic Health Record Association to address their questions. HIEs remain concerned about the time required for providers to complete user acceptance testing of LPHI-related software enhancements. At the same time, providers have expressed concern about deploying applications without verifying that they function safely, accurately, and effectively in real-world clinical settings.

If you have any questions regarding this update, please do not hesitate to contact me at 410-764-3578 or dsharp@maryland.gov or Tracey DeShields, Director, Policy Development and External Affairs, at tracey.deshields2@maryland.gov or 410-764-3588.

Sincerely,



David Sharp
Acting Executive Director

cc: Bill Ferguson, Senate President, Maryland General Assembly
Adrienne A. Jones, House Speaker, Maryland General Assembly
Marie Grant, Insurance Administration Commissioner, Maryland Insurance Administration
Jonny Dorsey, Deputy Chief of Staff, Governor's Office
June Chung, Deputy Legislative Officer, Governor's Office
Jason Heo, Policy Advisor, Governor's Office
Sophie Bergmann, Policy Advisor, Governor's Office
Senate Finance Committee Members
House Health And Government Operations Committee Members
Amber Gundlach, Senior Policy Analyst and Legislative Counsel, Senate Finance Committee
Erin Hopwood, Principle Policy Analyst and Legislative Counsel, House Health and Government Operations Committee
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