

Implementing Privacy Features in Maryland

Sasha TerMaat, Epic

In this presentation...

- Implementation status update
- Recommendations
 - Safety analysis
 - Include all stakeholders
 - Realistic timelines

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| | 2023 | 2024 | 2025 |
|--|------|------|------|
|--|------|------|------|

Legislative

May 2023:
Bill Passed

December
2023: Policy takes
effect

June 2024:
Fines begin

Regulatory

MHCC Writing regulations, offering guidance, reviewing status updates

Jan 2024: Regulations
published

Developers
and Providers

Implementing short term plan

Designing new
features

May 2024:
New feature
released

Healthcare orgs upgrade to new version
including new feature

Healthcare orgs switch from short term approach to
new feature

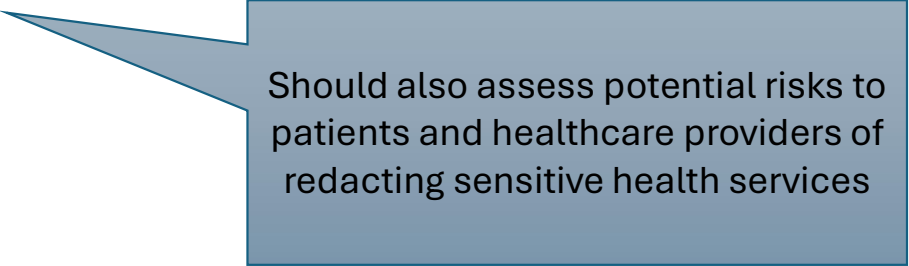
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Safety analysis

5 (G) (1) THE COMMISSION SHALL ISSUE SEMIANNUAL REPORTS TO THE
6 SECRETARY ON RECOMMENDATIONS REGARDING SENSITIVE HEALTH SERVICES
7 THAT SHOULD BE DETERMINED BY THE SECRETARY TO BE LEGALLY PROTECTED
8 HEALTH CARE UNDER THIS SUBTITLE OR FOR WHICH THE SECRETARY SHOULD
9 RESCIND A PREVIOUS DETERMINATION.

10 (2) THE REPORTS SHALL INCLUDE AN ASSESSMENT OF THE
11 POTENTIAL RISK TO PATIENTS AND HEALTH CARE PROVIDERS THAT WOULD RESULT
12 FROM THE DISCLOSURE OF THE SENSITIVE HEALTH SERVICES THAT ARE
13 ADDRESSED IN THE REPORTS.



Should also assess potential risks to patients and healthcare providers of redacting sensitive health services

Include all stakeholders

5 ~~(A)~~ (B) A SUBJECT TO SUBSECTION (D)(3)(II) OF THIS SECTION,
6 BEGINNING DECEMBER 1, 2023, A HEALTH INFORMATION EXCHANGE OR
7 ELECTRONIC HEALTH NETWORK MAY NOT DISCLOSE A PROTECTED SERVICES
8 RECORD OR PROTECTED MEDICATION RECORD TO A TREATING PROVIDER,
9 BUSINESS ENTITY, OR HEALTH INFORMATION EXCHANGE LOCATED OUTSIDE THE
10 STATE MIFEPRISTONE DATA OR THE DIAGNOSIS, PROCEDURE, MEDICATION, OR
11 RELATED CODES FOR ABORTION CARE AND OTHER SENSITIVE HEALTH SERVICES AS
12 DETERMINED BY THE SECRETARY UNDER SUBSECTION (D) OF THIS SECTION TO A
13 TREATING PROVIDER, A BUSINESS ENTITY, ANOTHER HEALTH INFORMATION
14 EXCHANGE, OR ANOTHER ELECTRONIC HEALTH NETWORK UNLESS THE
15 DISCLOSURE IS:

16 (1) FOR THE ADJUDICATION OF CLAIMS; OR

17 (2) TO A SPECIFIC TREATING PROVIDER AT THE WRITTEN REQUEST
18 OF AND WITH THE CONSENT OF:

19 (I) A PATIENT, FOR SERVICES FOR WHICH THE PATIENT CAN
20 PROVIDE CONSENT UNDER STATE LAW; OR

21 (II) A PARENT OR GUARDIAN OF A PATIENT, FOR SERVICES FOR
22 WHICH THE PARENT OR GUARDIAN CAN PROVIDE CONSENT UNDER STATE LAW.

EHR developers rarely or
never disclose health
information; the law misses
healthcare providers and
others making disclosures

TLO

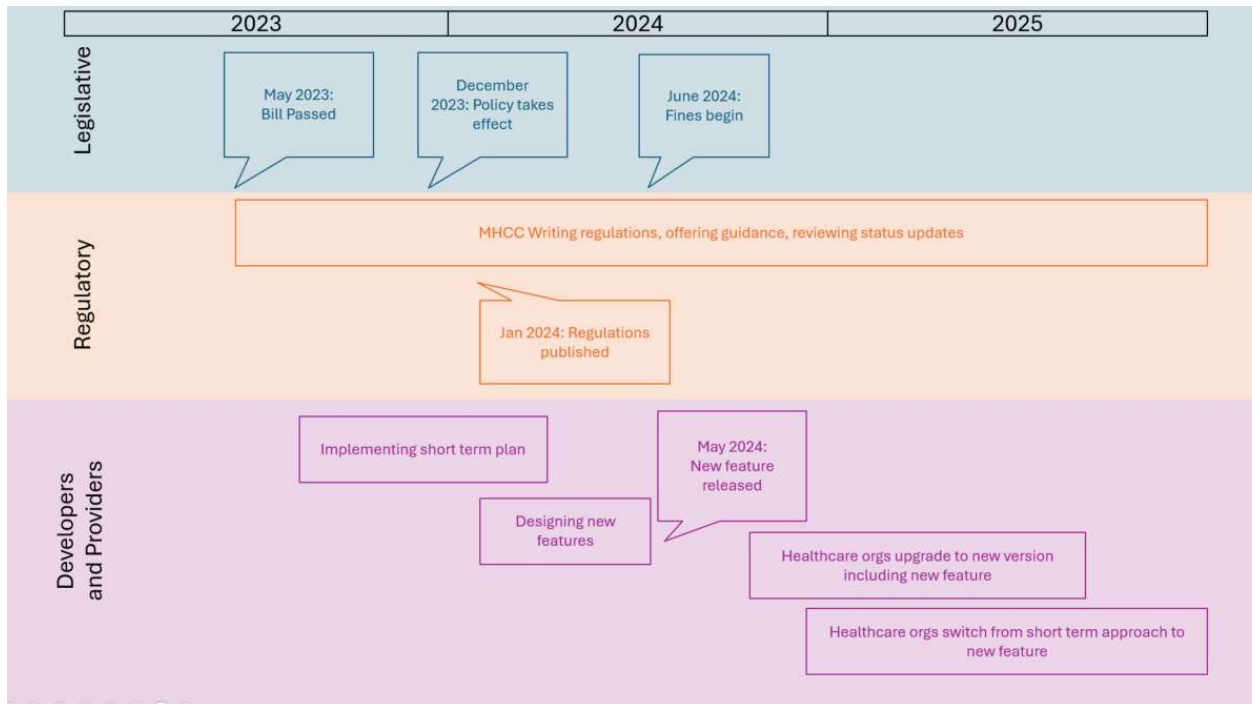
Slide 7

TLO

Are we worried at all about customer reaction on this? Is there a way to be less direct?

Tim Lundquist, 2025-01-15T23:15:22.698

Realistic timeframes



Abortion filters – one of the simplest use cases – took:

- 6 months for regulations
- 8 months for development
- 18 months for implementation

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