



MARYLAND
Health Care
Commission

DATE: October 19, 2023

TO: Commission

FROM: Ben Steffen *Ben Steffen*

SUBJECT: Agenda Item 6 -Staff Recommendation for Emergency and Proposed Permanent Regulations: COMAR 10.25.18, Health Information Exchanges: Privacy and Security of Protected Health Information and COMAR 10.25.07, Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses

Agenda Item 6 material includes the PowerPoint presentation (Item 6A) that Ms. Anna Gribble will deliver at the meeting, Item 6B contains the Emergency and Proposed Permanent Regulations that the staff will recommend the Commission approve for publication. Item 6B contains the comments received during the informal comment period that ended last month. .

The Commission will vote on the Proposed Emergency Regulation, which will become effective after publication in the Maryland Register on December 1st and remain effective for six months. The Commission will also vote on the Proposed Permanent Regulations which will replace the Emergency Regulations when the Emergency Regulations expire in May. Parallel processes are necessary because Emergency Regulations remain effective for six months from the time of publication. Without action on the Proposed Permanent Regulations, we would revert back to the current versions of COMAR 10.25.07 and COMAR 10.25.18 at the end of May.

The Proposed Permanent Regulations will go through the standard regulation adoption process for the State. After approval by the Commission and the Governor, the regulations will be submitted to the Administrative Executive Legislative Review Committee for approval and publication in the Maryland Register. There will be a 45 day comment period and MHCC staff will bring the Proposed Permanent Regulations back to the Commission for action adoption as Final Permanent Regulations. Based on review and publication time frames, the earliest the Final Permanent Regulation can appear on the MHCC agenda is at the January meeting.