## **HOUSE BILL 233**

J1, J2, E2 7lr0388

By: Delegates Barron, West, Fennell, and Hettleman

Introduced and read first time: January 20, 2017 Assigned to: Health and Government Operations

## A BILL ENTITLED

9	Disclosure of Medical Records - Guardian Ad Litem - Victims of Crime of

3 Delinquent Acts

FOR the purpose of requiring a health care provider to disclose a medical record without certain authorization to a guardian ad litem appointed by a court to protect certain interests of a minor or a disabled or elderly individual who is a victim of a crime or certain act, for a certain purpose and use; authorizing a certain guardian ad litem to redisclose a certain record under certain circumstances; prohibiting a health care provider from charging a certain fee to a certain guardian ad litem; and generally relating to the disclosure and redisclosure of medical records.

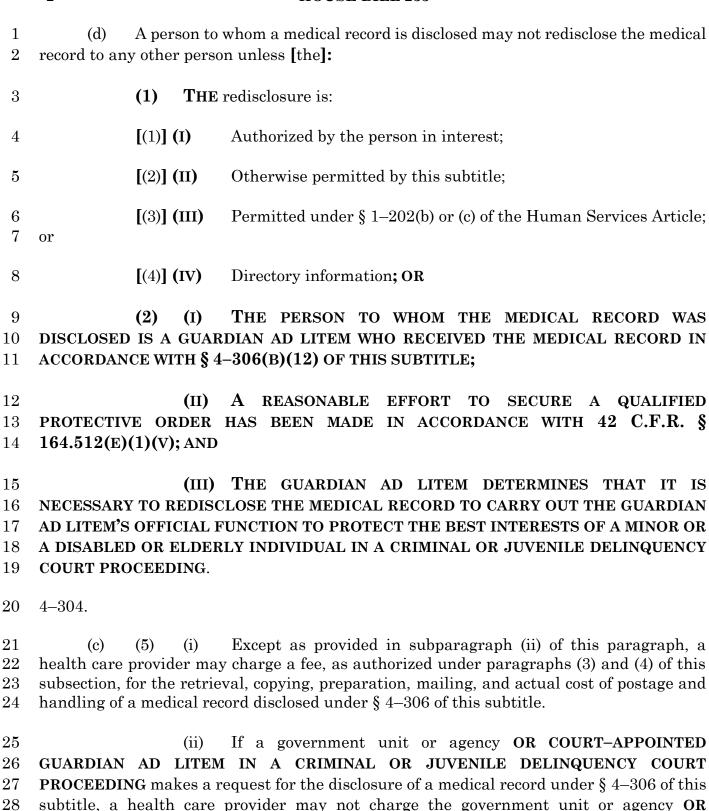
- 11 BY repealing and reenacting, with amendments,
- 12 Article Health General

AN ACT concerning

- 13 Section 4–302(d), 4–304(c)(5), and 4–306(b)(10) and (11)
- 14 Annotated Code of Maryland
- 15 (2015 Replacement Volume and 2016 Supplement)
- 16 BY adding to

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- 17 Article Health General
- 18 Section 4–306(b)(12)
- 19 Annotated Code of Maryland
- 20 (2015 Replacement Volume and 2016 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:
- 23 Article Health General
- 24 4-302.



COURT-APPOINTED GUARDIAN AD LITEM a fee for the retrieval, copying, preparation,

mailing, and actual cost of postage and handling of the medical record.

31 4–306.

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- 1 (b) A health care provider shall disclose a medical record without the 2 authorization of a person in interest:
- 3 (10) To a local domestic violence fatality review team established under Title 4 4, Subtitle 7 of the Family Law Article as necessary to carry out its official functions; [or]
- 5 (11) To a local drug overdose fatality review team established under Title 5, Subtitle 9 of this article as necessary to carry out its official functions, subject to:
- 7 (i) The additional limitations under § 4–307 of this subtitle for 8 disclosure of a medical record developed primarily in connection with the provision of 9 mental health services; and
- 10 (ii) Any additional limitations for disclosure or redisclosure of a medical record developed in connection with the provision of substance abuse treatment services under State law or 42 U.S.C. § 290DD–2 and 42 C.F.R. Part 2; OR
- 13 (12) TO A GUARDIAN AD LITEM APPOINTED BY A COURT TO PROTECT
  14 THE BEST INTERESTS OF A MINOR OR A DISABLED OR ELDERLY INDIVIDUAL WHO IS
  15 A VICTIM OF A CRIME OR A DELINQUENT ACT, FOR THE SOLE PURPOSE AND USE OF
  16 THE GUARDIAN AD LITEM IN CARRYING OUT THE GUARDIAN AD LITEM'S OFFICIAL
  17 FUNCTION TO PROTECT THE BEST INTERESTS OF THE MINOR OR THE DISABLED OR
  18 ELDERLY INDIVIDUAL IN A CRIMINAL OR JUVENILE DELINQUENCY COURT
  19 PROCEEDING AS PERMITTED UNDER 42 C.F.R. § 164.512(E).
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.