

MedChi

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TO: The Honorable Brian E. Frosh, Chairman
Members, Senate Judicial Proceeding Committee
The Honorable Lisa Gladden

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: March 24, 2010

RE: **SUPPORT** – Senate Bill 932 – *Civil Actions – Immunity from Civil Liability – Health Care Providers*

The Maryland State Medical Society (MedChi), which represents over 7,300 Maryland physicians and their patients, supports Senate Bill 932.

This legislation would provide immunity to a health care provider who holds an individual on the belief that they have either committed theft of property of the provider, or obtained personal information. MedChi supports this legislation.

Currently, this same immunity is provided to merchants to detain a person that they have probable cause to believe has taken merchandise from their store. Personal health information is afforded significant protection under the HIPAA laws and certain other state laws, and providers are charged with ensuring those protections are carried out. Indeed, notices are required whenever certain quantities of this information are breached.

With the drive to electronic medical records, this information is increasingly kept on laptop computers and handheld devices, which are easily transported and can be taken from health facilities with even greater ease than just a few years ago.

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Adoption of Senate Bill 932 would permit providers to stop individuals from leaving a health care facility if they have probable cause to believe that personal health information has been taken, just as a merchant can do if valuable items are taken from a store. With the high level of confidentiality assigned by law to medical records, MedChi believes such authority is warranted.

Accordingly, MedChi supports Senate Bill 932.

For more information call:

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