

# MedChi

*The Maryland State Medical Society*

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**TO:** The Honorable Peter A. Hammen, Chairman  
Members, House Health & Government Operations Committee  
The Honorable Kirill Reznik

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

**DATE:** February 14, 2012

**RE:** **SUPPORT WITH AMENDMENT** – House Bill 436 – *Medical Records – Authorization to Disclose – Person in Interest*

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The Maryland State Medical Society (MedChi), which represents over 7,600 Maryland physicians and their patients, supports House Bill 436 with amendment.

House Bill 436 adds the spouse, parent or child of a deceased person as a “person in interest” who can obtain the medical records of the deceased from a health care provider. The provider “shall” disclose the records to such a person. In the case of the spouse, parent or child of a deceased, House Bill 436 also requires that the person declare in an affidavit their identity, their relationship to the deceased, and that the affidavit is not executed for any unlawful purpose.

MedChi supports the legislation but believes that in an effort to prevent the release of medical records improperly, that the affidavit should be accompanied by a copy of the death certificate. This way, there would be no question about whether the person is actually deceased and would serve to substantiate the affidavit of the person seeking the records.

Finally, MedChi notes that the bill may raise questions as to compliance with HIPAA, the federal law governing the disclosure of health information. MedChi understands that the federal law allows for the personal representative of a deceased to obtain records, but to the extent the new individuals identified in the bill are not *also* the personal representative, this could potentially create a conflict between the two laws.

With the suggested amendment, MedChi supports House Bill 436.

**For more information call:**

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