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House Health Committee
February 3, 2026

House Bill 316 – *Confidentiality of Medical Records – Definition of Medical Record*
POSITION: OPPOSE

On behalf of MedChi, The Maryland State Medical Society, and the Maryland Chapter of the American College of Emergency Physicians, we submit this letter of **opposition** for House Bill 316.

House Bill 316 would expand the definition of “medical record” from information entered in the record of a patient to any information “recorded by a health care provider through, written, electronic, or other means, including audio or video means.” The definition would also include an “electronic message sent or received by a health care provider that identifies or may readily be associated with the identity of a patient.”

MedChi is concerned with the expansive nature of the proposed new definition. For example, the new definition would include the original audio file of a physician who dictates an encounter that is later transcribed. The initial transcription may not be accurate, for example it may include similar sounding words to those actually used. A physician would typically review the transcript for accuracy and then enter it into the patient’s medical record in final form. However, under House Bill 316, the original transcript, including its transcription errors, would now have to also be included in the medical record. This is the equivalent of keeping a rough draft of a writing rather than the final essay.

In addition, the new definition begs the question of exactly where the required data capture ends. For fear of not complying with the law, physicians would begin to keep a substantially larger amount of information and would be required to store it for 7 years, which is how long medical records must be kept. While this large capture of data certainly suits the plaintiff bar’s desire, it must be balanced against the concerns set forth above.

Thank you for your consideration of our testimony.

For more information call:

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