

# MedChi

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*The Maryland State Medical Society*

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TO: The Honorable Shane E. Pendergrass, Chair  
Members, House Health and Government Operations Committee  
The Honorable Teresa E. Reilly

FROM: J. Steven Wise  
Pamela Metz Kasemeyer  
Danna L. Kauffman  
Richard A. Tabuteau

DATE: March 7, 2018

RE: **OPPOSE** – House Bill 1555 – *Interception of Oral Communications – Medical Information – One-Party Consent*

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The Maryland State Medical Society (MedChi), which represents more than 7,000 Maryland physicians and their patients, **opposes** House Bill 1555.

House Bill 1555 allows a patient to record conversations with a health care provider without the provider's consent.

MedChi recognizes that the goal of this legislation is to provide patients with a way of recording for future reference information given by the provider. However, MedChi believes doing so should only be done with the consent of the provider and House Bill 1555 does not require the provider to consent. Furthermore, if the provider does consent, the recording of the communication is already covered under current law. See Cts. & Jud'l Prcdgs. §10-402(c)(3).

Allowing such recordings where only the patient knows of the recording may promote distrust and suspicion between the provider and the patient, and cause the provider to practice defensive medicine in every patient encounter. It also raises other questions, such as what is to stop the recording from being edited at a later date and shared on social media? Could this right be manipulated by some in anticipation of a malpractice case? What if an unauthorized third party obtains the recording?

For these reasons, MedChi opposes House Bill 1555.

**For more information call:**

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