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**MARYLAND HEALTH CARE COMMISSION**

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**MEMORANDUM**

**TO:** Commissioners

**FROM:** Suellen Wideman, Assistant Attorney General *SW*

**DATE:** July 11, 2013

**RE:** **Action on Proposed Permanent Regulations:  
COMAR 10.32.19: Disclosure of Records to State Health Agencies**

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At its July 18, 2013 meeting, the Commission will consider the adoption of proposed permanent regulations governing disclosure of records held by the Board of Physicians (BOP) upon request by the Maryland Health Care Commission (MHCC), the Health Services Cost Review Commission (HSCRC), the Office of Health Care Quality (OHCQ), or the Secretary of the Department of Health and Mental Hygiene. Records would be released by the Board to the MHCC upon the Executive Director's written request stating that certain information "is appropriate and needed in an investigation of quality or utilization of care" in a facility regulated by the Commission.

These regulations will be promulgated by the Secretary, the MHCC, HSCRC, and the BOP. These regulations follow the adoption of legislative changes in 2011 that were made applicable to the MHCC in 2012. Staff recommends that the Commission adopt the enclosed draft regulations as proposed permanent regulations.

enclosure

## **Title 10**

### **DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

#### **Subtitle 32 BOARD OF PHYSICIANS**

##### **10.32.19 Disclosure of Records to State Health Agencies**

**Authority: Health Occupations Article, §14-411,  
Annotated Code of Maryland**

ALL NEW

###### **.01 Definitions**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Maryland Board of Physicians.

(2) "Department" means the Department of Health and Mental Hygiene.

(3) "Hospital" has the meaning stated in Health-General Article, §19-301, Annotated Code of Maryland.

(4) "Record" means the proceedings, records, or files of the Board.

(5) "Secretary" means the Secretary of the Department of Health and Mental Hygiene.

###### **.02 Disclosure of Information to the Department and Agencies Within the Department**

A. The Board shall disclose information contained in a record to the Secretary upon receipt of a written request from the Secretary stating that the requested information is appropriate and needed for:

(1) An investigation of quality or utilization of care in an entity regulated by the Office of Health Care Quality;

(2) An investigation of quality or utilization of care in an entity regulated by the Health Services Cost Review Commission; or

(3) An investigation regarding the introduction or spread of an infectious or contagious disease or other disease that endangers the public health in the State.

B. The Board shall disclose information contained in a record to the Office of Health Care Quality upon receipt of a written request from the Director of the Office of Health Care Quality stating that the requested information is appropriate and needed for an investigation of quality or utilization of care in an entity regulated by the Office of Health Care Quality.

C. The Board shall disclose information contained in a record to the Health Services Cost Review Commission upon receipt of a written request from the Executive Director of the Health Services Cost Review Commission stating that the requested information is appropriate and needed for an investigation of quality or utilization of care in an entity regulated by the Health Services Cost Review Commission.

D. The Board shall disclose information contained in a record to the Maryland Health Care Commission upon receipt of a written request from the Executive Director of the Maryland Health Care Commission stating that the requested information is appropriate and needed in an investigation of quality or utilization of care in an entity regulated by the Maryland Health Care Commission.

### **.03 Requirements Regarding the Transfer of a Record**

A. The Board shall disclose the information required under this chapter as soon as reasonably possible, but no later than 30 days after a request made under this chapter.

B. The information disclosed by the Board under this chapter shall be sent on paper by first class mail or by another delivery method agreed to by the Board and the Secretary or agency requesting the information.

### **.04 Confidentiality**

Information disclosed by the Board under this chapter shall remain confidential, and may not be re-disclosed by the Secretary, the Office of Health Care Quality, the Health Services Cost Review Commission, or the Maryland Health Care Commission unless otherwise permitted by law.

**.05 Scope**

This chapter does not alter the authority of the Secretary under of the Health Occupations Article, §1-203(a), Annotated Code of Maryland or Health-General Article, §2-106(c), Annotated Code of Maryland.

END TEXT

**JOSHUA M. SHARFSTEIN, M.D.**

**Secretary of Health and Mental Hygiene**