

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1510 (Delegate Pippy, *et al.*)
Health and Government Operations

Medical Records - Notice of Destruction - Method

This bill requires that a notice about the destruction of a medical record or laboratory or x-ray report be made by first-class mail *or* e-mail, rather than by both methods.

Fiscal Summary

State Effect: None. The change is technical in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Except for when the patient is a minor, a health care provider may not destroy a medical record or laboratory or x-ray report about a patient for at least seven years after the record or report is made. For minor patients, the record or report may not be destroyed until seven years after the patient turns 18, unless (1) the minor's parent or guardian is notified or (2) if the documented medical care was provided under § 20-102(c) or § 20-103(c) of the Health-General Article, the minor patient is notified.

A notice of destruction of records must be made by first-class mail to the patient's last known address *and* e-mail to the last known e-mail address of (1) the patient, or (2) if the patient is a minor and the medical care was not provided under § 20-102(c) or § 20-103(c) of the Health-General Article, the patient's parent or guardian. The notice must include (1) the date on which the medical record will be destroyed and (2) include a statement that

the record or its synopsis must be retrieved at a designated location, if desired. A health care provider must make the record or report available for retrieval by the patient or the parent/guardian of a minor patient within 60 days of the destruction date, and at the location designated in the notice.

An individual who knowingly violates any of these provisions is liable for damages. A health care facility that knowingly violates these provisions is subject to an administrative fine of up to \$10,000 for all violations cited in a single day. A health care provider or their agent, employee, officer, or director is subject to (1) a fine of up to \$1,000 for their first set of violations in a single day, (2) a fine of up to \$2,500 for the second set of violations cited in a single day, and (3) a fine of up to \$5,000 for any subsequent set of violations cited in a single day.

Under Maryland regulations (COMAR 10.01.16.05), a provider must ensure confidentiality of medical records throughout the disposal process.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2025
caw/jc

Analysis by: Eliana R. Prober

Direct Inquiries to:
(410) 946-5510
(301) 970-5510