



Chapter 249 (House Bill 812), *Health – Reproductive Health Services – Protected Information and Insurance Requirements*

IMPLEMENTATION UPDATE

April 18, 2024

Where We Are Today



- ▶ Notable progress has been made by 32 certified electronic health networks (EHNs) and 14 registered health information exchanges (HIEs) to develop technical solutions and implement policies to restrict from disclosure legally protected health information (LPHI)*
 - HIEs are working with Maryland clients to update systems and implement other compliance measures (e.g., written agreements) to comply with statutory and regulatory requirements
- ▶ More time is needed to block text-based LPHI (non-structured data)
- ▶ Nearly all EHNs operating in the State fall under the permitted disclosure of LPHI in law: “for the adjudication of claims”

**Defined by the Maryland Department of Health – COMAR 10.11.08, Abortion Care Disclosure*

Vendor Compliance Snapshot



Anticipated Timeline to Block LPHI

(n = 13)*

LPHI	June 2024	December 2024	2025
Codes	54%	23%	23%
Text-Based	15%	8%	77%

**Based on HIE implementation plans and status reports*



Implementation Highlights

Noteworthy Achievements



- ▶ Worked collaboratively with stakeholders to develop supporting regulations (COMAR 10.25.07 and COMAR 10.25.18)
 - Informal comments (fall 2023) were considered in drafting proposed permanent and emergency regulations approved at the November 2023 Commission meeting
 - Proposed permanent and emergency regulations were published in the Maryland Register on January 12th and February 9th, respectively

- ▶ Convened several town halls to provide a forum for EHNs and HIEs to ask implementation questions (combined attendance exceeded 175)
 - December 18, 2023
 - December 20, 2023
 - April 16, 2024

Noteworthy Achievements



(continued...)



- ▶ Developed EHN and HIE implementation guidance documents that clarify select regulatory requirements
 - Released in January/February and updated in March/April; additional updates planned throughout 2024
- ▶ Achieved compliance with regulatory requirements
 - **January** – EHNs and HIEs submitted an affirmation of compliance or implementation plan that speaks to the technical ability to filter and restrict from disclosure LPHI
 - **April** – entities that submitted an implementation plan provided the required status report

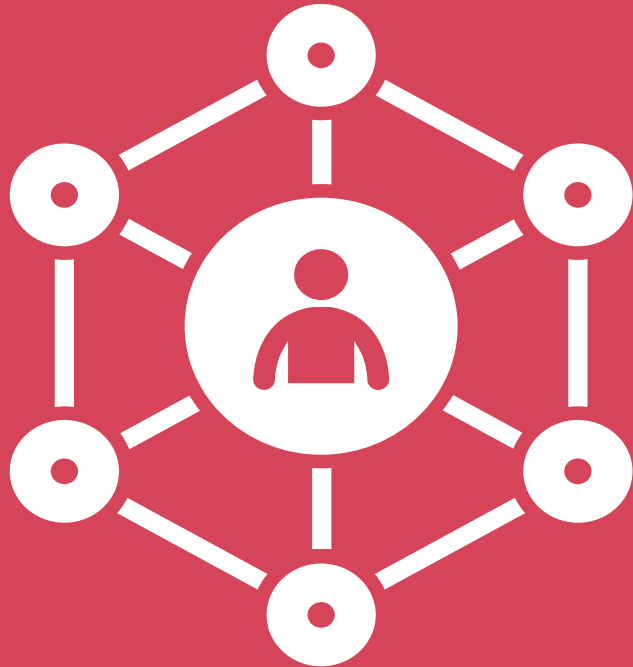
Activities Underway



- ▶ Provide feedback on vendors April 1st status reports
- ▶ Establish an EHN/HIE validation reporting and exemption request structure (June 1st reporting)
- ▶ Convene a town hall in late May to discuss June 1st reporting requirements and address stakeholder questions
- ▶ Provide ad hoc support when requested by EHNs and HIEs
- ▶ Submit quarterly regulatory implementation updates to the legislature (requirement in law)

Activities Underway

(continued...)



- ▶ Interact with technology vendor clients to gauge progress of implementing vendor policies and identify if MHCC interventions may be needed
- ▶ Engage stakeholders, including the HIMSS Electronic Health Record Association, to identify successes and challenges
- ▶ Collaborate with stakeholders to identify future updates to the EHN and HIE implementation guidance documents

Thank you

Questions?

