



December 6, 2024

The Honorable Pamela G. Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

The Honorable Joseline A. Peña-Melnyk
Chair, Health and Government Operations Committee
Taylor House Office Building, Room 241
6 Bladen Street
Annapolis, MD 21401

RE: SB0786/CH0248, HB0812/CH0249, 2023 – *Health - Reproductive Health Services - Protected Information and Insurance Requirements (October – December 2024 Report)*

Dear Chair Beidle and Chair Peña-Melnyk:

The Maryland Health Care Commission ("Commission") is providing an update on the implementation of the legislation enacted in 2023. This sixth letter offers information on the status of the technical capabilities of electronic health networks ("EHNs") and health information exchanges ("HIEs") (collectively "vendors") to filter and restrict the disclosure of legally protected health information ("LPHI"). LPHI includes mifepristone data, as well as diagnoses, procedures, medications, or related codes for abortion care, as defined by COMAR 10.11.08, *Abortion Care Disclosure*.

Vendors submitted updated implementation plans by September 30, 2024. Approximately 29 EHNs and 16 HIEs are required to comply with the law. Most vendors reported that they can block codes related to LPHI. However, around 15 vendors requested additional time to complete the modifications necessary to suppress the exchange of text-based LPHI and support directed consent. The Commission approved a 12-month exemption for these vendors, as permitted by COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*. Vendors granted the exemption have been asked to provide a progress update by March 31, 2025.

If you have any questions about this update, please do not hesitate to contact me at 410-764-3566 or ben.steffen@maryland.gov or Tracey DeShields, Director of Policy Development and External Affairs, at tracey.deshields2@maryland.gov or 410-764-3588.

Sincerely,

Ben Steffen,
Executive Director

cc: President Bill Ferguson, Maryland General Assembly
Speaker Adrienne A. Jones, Maryland General Assembly
Jonny Dorsey, Deputy Chief of Staff, Governor's Office
June Chung, Deputy Legislative Office, Governor's Legislative Office
Jason Heo, Governor's Office
Marie Grant, Insurance Administration Commissioner, Maryland Insurance Administration
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