

PUBLICATION

OHCQ Mandates Submission of Policies on Resident Access to Medical Records [Ober|Kaler]

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Maryland nursing homes must submit their policies and procedures for resident access to and requests for medical records to the Maryland Department of Health and Mental Hygiene's Office of Health Care Quality (OHCQ) by February 2, 2015. The requirement was set forth in a December 23, 2014 OHCQ transmittal describing OHCQ's interpretation of applicable Maryland and federal law on medical records disclosures to nursing home residents and their responsible parties.

Since then, our firm has been in touch with OHCQ to better understand the basis for the agency's interpretation of the cited laws and to discuss additional questions. We are discussing the policies of facilities where requested by clients. This not only relates to the specific issues addressed in the OHCQ transmittal, but other important aspects of medical record disclosures and related issues of approval and cost, when involving situations other than disclosures to residents. For example, this can include situations when records are requested or a subpoena is issued in private litigation or a government investigation.

If you are interested in discussing your medical record policy in advance of the February 2, 2015 OHCQ deadline or are interested in a review even if your policy has been submitted, please contact any Baker Ober Health Law attorney.