

May 28, 2024

Ben Steffen, Executive Director
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore, MD 21215

David Sharp, Director
Center for Health Information Technology and Innovative Care Delivery
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore, MD 21215

Re: COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information Draft Amendments*

Dear Executive Director Steffen and Director Sharp,

On behalf of the 29 member companies of the HIMSS Electronic Health Record (EHR) Association, we appreciate the opportunity to submit written comments on the informal draft amendments to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*. As the trade association of EHR developers serving healthcare providers and organizations in Maryland and across the United States, we work together to accelerate health information and technology adoption, advance interoperability, and improve the quality and efficiency of care.

The integration of a consent management application and Health Information Exchanges (HIEs) contemplated in these informal draft amendments will clearly have a significant impact on EHR developers – which Maryland considers HIEs – and correspondingly on the providers and health systems that license, configure, and use those EHRs. In many cases, we anticipate needing to provide technical input on the proposal beyond what is possible in two weeks, and we request ongoing discussions with MHCC to determine the best way to revise and implement these proposals to ensure minimal impact on Maryland providers, including usability burden or the cost of health IT to Maryland health systems.

10.25.18.03.D proposes integrations between the to-be-developed consent management application and all HIEs. We suggest further discussion and significant revision to this proposal. It is unclear what method of integration is envisioned for this work. There are no widely-adopted and tested industry

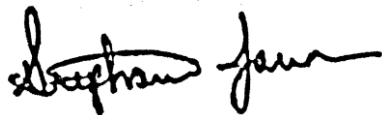
AdvancedMD	Elekta	Greenway Health	Netsmart	Sevocity
Altera Digital Health	EndoSoft	Harris Healthcare	Nextech	STI Computer Services
Athenahealth	Epic	MatrixCare	NextGen Healthcare	TruBridge
BestNotes	Flatiron Health	MEDHOST	Office Practicum	Varian – A Siemens Healthineers Company
CureMD	Foothold Technology	MEDITECH, Inc.	PointClickCare	Veradigm
eClinicalWorks		Modernizing Medicine		

standards for this type of integration today, which will mean significantly increased costs to Maryland healthcare providers for this integration, as well as lengthened timelines for implementation.

In particular, 10.25.18.03.D(2)(e)(ii) sets an expectation that HIEs will implement the new integration with the consent management application in 60-90 days, which is definitively not possible. HIEs will need 18-24 months after final specifications for the integration are made available to implement a new integration of this type. Maryland healthcare providers will also need time to upgrade their health IT to take advantage of new features like consent integrations.

We would also appreciate the opportunity to discuss the timing of the requirement with your team; it is important that our teams not be distracted from ongoing efforts to implement Maryland's reproductive privacy requirements with this new initiative. The MHCC should stagger major initiatives of this type to avoid overburdening Maryland healthcare providers. This overburdening, which we have previously mentioned, is already causing some organizations to delay adopting the new functionality we are making available to them.

Sincerely,



Stephanie Jamison
Chair, EHR Association
Greenway Health

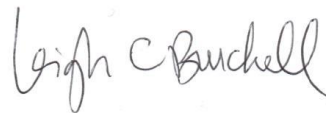


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NextGen Healthcare



Ida Mantashi
Modernizing Medicine

Established in 2004, the Electronic Health Record (EHR) Association is comprised of 28 companies that supply the vast majority of EHRs to physicians' practices and hospitals across the United States. The EHR Association operates on the premise that the rapid, widespread adoption of EHRs will help improve the quality of patient care as well as the productivity and sustainability of the healthcare system as a key enabler of healthcare transformation. The EHR Association and its members are committed to supporting safe healthcare delivery, fostering continued innovation, and operating with high integrity in the market for our users and their patients and families. The EHR Association is a partner of HIMSS. For more information, visit www.ehra.org.