
By: Senator Frosh

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 1997

CHAPTER ____

1 AN ACT concerning

2 **Disclosure of Medical Records - Compulsory Process - Notice to Person in Interest**

3 FOR the purpose of requiring a health care provider to disclose a medical record without
4 the authorization of a person in interest in accordance with compulsory process, if
5 the subpoena, summons, warrant, or court order has been served on the person
6 whose records are sought by the party seeking disclosure or production of the
7 records; making a certain ~~exception~~ exceptions; clarifying that certain provisions of
8 law apply to the disclosure of certain medical records; defining a certain term; and
9 generally relating to the disclosure of medical records by health care providers.

10 BY repealing and reenacting, with amendments,

11 Article - Health - General

12 Section 4-306

13 Annotated Code of Maryland

14 (1994 Replacement Volume and 1996 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health - General**

18 4-306.

19 (a) IN THIS SECTION, "COMPULSORY PROCESS" INCLUDES A SUBPOENA,
20 SUMMONS, WARRANT, OR COURT ORDER THAT APPEARS ON ITS FACE TO HAVE
21 BEEN ISSUED ON LAWFUL AUTHORITY.

22 (B) A health care provider shall disclose a medical record without the
23 authorization of a person in interest:

2

1 (1) To a unit of State or local government, or to a member of a
2 multidisciplinary team assisting the unit, for purposes of investigation or treatment in a
3 case of suspected abuse or neglect of a child or an adult, subject to the following
4 conditions:

5 (i) The health care provider shall disclose only the medical record of
6 a person who is being assessed in an investigation or to whom services are being provided
7 in accordance with Title 5, Subtitle 7 or Title 14, Subtitle 3 of the Family Law Article;

8 (ii) The health care provider shall disclose only the information in the
9 medical record that will, in the professional judgment of the provider, contribute to the:

- 10 1. Assessment of risk;
- 11 2. Development of a service plan;
- 12 3. Implementation of a safety plan; or
- 13 4. Investigation of the suspected case of abuse or neglect; and

14 (iii) The medical record may be redisclosed as provided in Article 88A,
15 § 6 of the Code;

16 (2) Subject to the additional limitations for a medical record developed
17 primarily in connection with the provision of mental health services in § 4-307 of this
18 subtitle, to health professional licensing and disciplinary boards, in accordance with a
19 subpoena for medical records for the sole purpose of an investigation regarding:

20 (i) Licensure, certification, or discipline of a health professional; or

21 (ii) The improper practice of a health profession;

22 (3) To a health care provider or the provider's insurer or legal counsel, all
23 information in a medical record relating to a patient or recipient's health, health care, or
24 treatment which forms the basis for the issues of a claim in a civil action initiated by the
25 patient, recipient, or person in interest;

26 (4) Notwithstanding any privilege in law, as needed, to a medical review
27 committee as defined in § 14-501 of the Health Occupations Article or a dental review
28 committee as defined in § 4-501 of the Health Occupations Article;

29 (5) To another health care provider as provided in § 19-308.2 or § 10-807 of
30 this article; or

31 (6) ~~It is~~ SUBJECT TO THE ADDITIONAL LIMITATIONS FOR A
32 MEDICAL RECORD DEVELOPED PRIMARILY IN CONNECTION WITH THE PROVISION
33 OF MENTAL HEALTH SERVICES IN § 4-307 OF THIS SUBTITLE AND EXCEPT AS
34 OTHERWISE PROVIDED IN ITEM (2) OF THIS SUBSECTION, IN accordance with
35 compulsory process, IF THE SUBPOENA, SUMMONS, WARRANT, OR COURT ORDER
36 CONTAINS A CERTIFICATION THAT:

37 1. A COPY OF THE SUBPOENA, SUMMONS, WARRANT, OR
38 COURT ORDER HAS BEEN SERVED ON THE PERSON WHOSE RECORDS ARE SOUGHT
39 BY THE PARTY SEEKING THE DISCLOSURE OR PRODUCTION OF THE RECORDS; OR

