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By: **Delegate Grosfeld**

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Medical Records - Disclosure to Health Care Provider's Insurer or Legal**  
3 **Counsel**

4 FOR the purpose of amending certain provisions that authorize disclosure of a  
5 medical record to a health care provider's insurer or legal counsel for the  
6 purpose of handling certain types of claims against the provider to require that  
7 a request for disclosure of a medical record be accompanied by a copy of a  
8 certificate that notifies the patient, recipient, claimant, or person in interest or  
9 counsel for the patient, recipient, claimant, or person in interest that disclosure  
10 of the information is being sought; requiring that the certificate include certain  
11 other information; requiring that the certificate be mailed to the patient,  
12 recipient, claimant, or person in interest or counsel for the patient, recipient,  
13 claimant, or person in interest a certain number of days before the request for  
14 disclosure of a medical record is served on the health care provider; and  
15 generally relating to medical records and disclosure to a health care provider's  
16 insurer or legal counsel.

17 BY repealing and reenacting, with amendments,  
18 Article - Health - General  
19 Section 4-305(b)(1) and 4-306(b)(3)  
20 Annotated Code of Maryland  
21 (1994 Replacement Volume and 1998 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Health - General**

25 4-305.

26 (b) A health care provider may disclose a medical record without the  
27 authorization of a person in interest:

28 (1) (i) To the provider's authorized employees, agents, medical staff,  
29 medical students, or consultants for the sole purpose of offering, providing,

1 evaluating, or seeking payment for health care to patients or recipients by the  
2 provider;

3 (ii) To the provider's legal counsel regarding only the information in  
4 the medical record that relates to the subject matter of the representation; or

5 (iii) To any provider's insurer or legal counsel, or the authorized  
6 employees or agents of a provider's insurer or legal counsel, for the sole purpose of  
7 handling a potential or actual claim against any provider if the medical record is  
8 maintained on the claimant and relates to the subject matter of the claim AND THE  
9 REQUEST FOR DISCLOSURE OF THE MEDICAL RECORD IS ACCOMPANIED BY A COPY  
10 OF A CERTIFICATE DIRECTED TO THE CLAIMANT OR PERSON IN INTEREST OR  
11 COUNSEL FOR THE CLAIMANT OR PERSON IN INTEREST THAT:

12 1. NOTIFIES THE CLAIMANT OR PERSON IN INTEREST THAT  
13 DISCLOSURE OF THE CLAIMANT'S MEDICAL RECORD IS SOUGHT;

14 2. NOTIFIES THE CLAIMANT OR PERSON IN INTEREST OF  
15 THE PROVISIONS OF THIS PARAGRAPH AND ANY OTHER PROVISION OF LAW ON  
16 WHICH THE REQUESTING PARTY RELIES IN SEEKING DISCLOSURE OF THE  
17 INFORMATION;

18 3. NOTIFIES THE CLAIMANT OR PERSON IN INTEREST OF  
19 THE PROCEDURE FOR FILING A MOTION TO QUASH OR A MOTION FOR A PROTECTIVE  
20 ORDER; AND

21 4. WAS MAILED TO THE CLAIMANT OR PERSON IN INTEREST  
22 OR COUNSEL FOR THE CLAIMANT OR PERSON IN INTEREST BY CERTIFIED MAIL,  
23 RETURN RECEIPT REQUESTED, 15 DAYS BEFORE THE REQUEST FOR DISCLOSURE OF  
24 THE MEDICAL RECORD IS SERVED ON THE HEALTH CARE PROVIDER;

25 4-306.

26 (b) A health care provider shall disclose a medical record without the  
27 authorization of a person in interest:

28 (3) To a health care provider or the provider's insurer or legal [counsel,  
29 all] COUNSEL IF THE information in a medical record [relating] RELATES to a patient  
30 or recipient's health, health care, or treatment which forms the basis for the issues of  
31 a claim in a civil action initiated by the patient, recipient, or person in interest AND  
32 THE REQUEST FOR DISCLOSURE OF THE MEDICAL RECORD IS ACCOMPANIED BY A  
33 COPY OF A CERTIFICATE DIRECTED TO THE PATIENT, RECIPIENT, OR PERSON IN  
34 INTEREST OR COUNSEL FOR THE PATIENT, RECIPIENT, OR PERSON IN INTEREST  
35 THAT:

36 (I) NOTIFIES THE PATIENT, RECIPIENT, OR PERSON IN INTEREST  
37 THAT DISCLOSURE OF THE CLAIMANT'S MEDICAL RECORD IS SOUGHT;

38 (II) NOTIFIES THE PATIENT, RECIPIENT, OR PERSON IN INTEREST  
39 OF THE PROVISIONS OF THIS PARAGRAPH AND ANY OTHER PROVISION OF LAW ON

1 WHICH THE REQUESTING PARTY RELIES IN SEEKING DISCLOSURE OF THE  
2 INFORMATION;

3 (III) NOTIFIES THE PATIENT, RECIPIENT, OR PERSON IN INTEREST  
4 OF THE PROCEDURE FOR FILING A MOTION TO QUASH OR A MOTION FOR A  
5 PROTECTIVE ORDER; AND

6 (IV) WAS MAILED TO THE PATIENT, RECIPIENT, OR PERSON IN  
7 INTEREST OR COUNSEL FOR THE PATIENT, RECIPIENT, OR PERSON IN INTEREST BY  
8 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, 15 DAYS BEFORE THE REQUEST FOR  
9 DISCLOSURE OF THE MEDICAL RECORD IS SERVED ON THE HEALTH CARE PROVIDER;

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1999.