

SENATE BILL 761

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2000 Regular Session
0lr2546

By: **Senator Della**
Introduced and read first time: February 4, 2000
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2000

CHAPTER _____

1 AN ACT concerning

2 **Secretary of Health and Mental Hygiene - Findings - Disciplinary or**
3 **~~Regulatory Action - Notice~~ Disclosure of Information to Interested Persons**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to provide
5 certain written notice to certain persons if the Secretary finds that ~~an entity or~~
6 (a) person has violated certain statutory provisions or takes disciplinary or
7 ~~regulatory action against a person who has violated certain statutory provisions~~
8 under certain circumstances; requiring the Secretary to provide certain written
9 notice to certain persons on request under certain circumstances; requiring
10 certain persons to pay the cost of the required written notice; providing that the
11 required written notice shall be forwarded by the Secretary or, at the discretion
12 of the Secretary, by the person who has violated the statutory provision certain
13 laws in the manner prescribed by the Secretary; requiring the Secretary to
14 adopt certain regulations; and generally relating to the duties of the Secretary of
15 Health and Mental Hygiene.

16 BY adding to
17 Article - Health - General
18 Section ~~24-430~~ 24-1001 to be under the new subtitle "Subtitle 10. Disclosure of
19 Information to Interested Persons"
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1999 Supplement)

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

1 **Article - Health - General**2 SUBTITLE 10. DISCLOSURE OF INFORMATION TO INTERESTED PERSONS.3 ~~24-430. 24-1001.~~

4 (A) ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF THE~~
 5 ~~SECRETARY FINDS THAT AN ENTITY OR A PERSON HAS VIOLATED A PROVISION OF~~
 6 ~~THIS ARTICLE OR TAKES ANY DISCIPLINARY OR REGULATORY ACTION AGAINST AN~~
 7 ~~ENTITY OR PERSON WHO HAS VIOLATED A PROVISION OF THIS ARTICLE, THE~~
 8 ~~SECRETARY SHALL PROVIDE WRITTEN NOTICE OF THE FINDING OR ACTION TO:~~

9 (1) ANY PERSON WHOSE CARE, TREATMENT, OR CIRCUMSTANCES GAVE
 10 RISE TO THE FINDING ~~OR ACTION OR~~ AND THAT PERSON'S LEGAL REPRESENTATIVE;

11 (2) ANY PERSON WHO HAS BEEN ADVERSELY AFFECTED BY THE
 12 CONDUCT OR CONDITION CONSTITUTING THE VIOLATION ~~OR~~ AND THAT PERSON'S
 13 LEGAL REPRESENTATIVE; AND

14 (3) THE ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER
 15 FOR ANY PERSON IDENTIFIED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

16 (B) ON REQUEST, THE SECRETARY SHALL PROVIDE TO A PERSON IN WRITING
 17 ANY INFORMATION KNOWN TO THE DEPARTMENT REGARDING A VIOLATION OF THIS
 18 ARTICLE THAT RELATES TO THE PRESENCE OF A COMMUNICABLE DISEASE IN AN
 19 ENTITY REGULATED BY THE DEPARTMENT IF THE REQUESTING PERSON BELIEVES
 20 THAT THE PERSON MAY HAVE CONTRACTED A COMMUNICABLE DISEASE AS A
 21 RESULT OF AN INTERACTION WITH AN ENTITY REGULATED BY THE DEPARTMENT.

22 ~~(B)~~ (C) ~~AN ENTITY OR A PERSON WHO VIOLATES~~ VIOLATED A PROVISION OF
 23 THIS ARTICLE SHALL PAY THE COST OF PROVIDING THE WRITTEN NOTICE REQUIRED
 24 UNDER ~~SUBSECTION (A)~~ SUBSECTION (A) OR (B) OF THIS SECTION.

25 ~~(C)~~ (D) THE WRITTEN NOTICE OR INFORMATION REQUIRED UNDER
 26 ~~SUBSECTION (A)~~ SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE FORWARDED:

27 (1) BY THE SECRETARY; OR

28 (2) AT THE DISCRETION OF THE SECRETARY, BY THE ~~ENTITY OR PERSON~~
 29 ~~WHO VIOLATES~~ VIOLATED A PROVISION OF THIS ARTICLE IN THE MANNER
 30 PRESCRIBED BY THE SECRETARY.

31 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE
 32 PROVISIONS OF THIS SECTION, INCLUDING REGULATIONS TO PROTECT AGAINST
 33 UNWARRANTED BREACHES OF CONFIDENTIALITY.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 35 October 1, 2000.

