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By: **Senator Grosfeld**

Introduced and read first time: February 18, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians - Subpoenas - Health Records**

3 FOR the purpose of requiring the State Board of Physicians to notify a certain  
4 patient, former patient, or an authorized representative of the patient of a  
5 subpoena for certain medical records; requiring the Board to inform a certain  
6 patient, former patient, or an authorized representative of the patient of the  
7 right to assert in a motion to quash or a motion for a protective order any  
8 constitutional right or other legal authority in opposition to disclosure and the  
9 right to a hearing in a certain court; and generally relating to subpoenas for  
10 health records issued by the State Board of Physicians.

11 BY repealing and reenacting, with amendments,  
12 Article - Health Occupations  
13 Section 14-401(h)  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2004 Supplement)

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

18 **Article - Health Occupations**

19 14-401.

20 (h) (1) The Board may issue subpoenas and administer oaths in connection  
21 with any investigation under this section and any hearing or proceeding before it.

22 (2) (I) A SUBPOENA ISSUED BY THE BOARD FOR A PATIENT'S MEDICAL  
23 RECORDS IS SUBJECT TO THE REQUIREMENTS DESCRIBED IN THIS SUBPARAGRAPH.

24 (II) THE BOARD SHALL:

25 1. NOTIFY A PATIENT, FORMER PATIENT, OR AN  
26 AUTHORIZED REPRESENTATIVE OF THE PATIENT WHOSE MEDICAL RECORDS ARE  
27 BEING SUBPOENAED BY THE BOARD OF THE SUBPOENA FOR THE MEDICAL  
28 RECORDS; AND

