

Article - Health - General

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§4-302.5.

(a) Subject to subsection (d)(3)(ii) of this section, this section applies to disclosures of health information to recipients located in the State and outside the State.

(b) Subject to subsection (d)(3)(ii) of this section, beginning December 1, 2023, a health information exchange or electronic health network may not disclose Mifepristone data or the diagnosis, procedure, medication, or related codes for abortion care and other sensitive health services as determined by the Secretary under subsection (d) of this section to a treating provider, a business entity, another health information exchange, or another electronic health network unless the disclosure is:

(1) For the adjudication of claims; or

(2) To a specific treating provider at the written request of and with the consent of:

(i) A patient, for services for which the patient can provide consent under State law; or

(ii) A parent or guardian of a patient, for services for which the parent or guardian can provide consent under State law.

(c) (1) Beginning June 1, 2024, a person who knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$10,000 per day.

(2) In determining the fine to be imposed under paragraph (1) of this subsection, the following factors shall be considered:

(i) The extent of actual or potential public harm caused by the violation;

(ii) The cost of investigating the violation; and

(iii) Whether the person previously violated this section.

(d) (1) The Secretary shall determine for abortion care and sensitive health services the procedure, diagnosis, medication, and other related codes that are subject to the restrictions on disclosure established under subsection (b) of this section due to a substantial risk to patients or health care providers that would result from disclosure.

(2) A determination made under paragraph (1) of this subsection shall:

(i) Follow applicable guidelines of the American College of Obstetricians and Gynecologists, the World Health Organization, and the Society of Family Planning; and

(ii) For sensitive health services, be based on the recommendations of the Protected Health Care Commission established under § 4–310 of this subtitle.

(3) (i) The Secretary shall adopt regulations to restrict the disclosure of abortion care and other sensitive health services information by diagnosis, procedure, medication, or related codes under subsection (b) of this section.

(ii) Except as provided in subparagraph (iii) of this paragraph, the Secretary may adopt restrictions on the disclosure of abortion care or other sensitive health services under subparagraph (i) of this paragraph that are applicable only to disclosures by health information exchanges or electronic health networks to out-of-state treating providers, out-of-state business entities, other health information exchanges, or other electronic health networks.

(iii) Any regulations adopted by the Secretary to implement restrictions on the disclosure of Mifepristone data under subsection (b) of this section shall apply to disclosures of data to recipients located in the State and outside the State.

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