



Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

2022 SESSION LETTER OF INFORMATION

BILL NO.: SB 385 – Health – Disclosure of Medical Records – Penalty
COMMITTEE: Finance
POSITION: Information

TITLE: Health – Disclosure of Medical Records – Penalty

POSITION & RATIONALE:

The Maryland Board of Physicians (the Board) is submitting this Letter of Information for SB 385 – Health – Disclosure of Medical Records - Penalty. As drafted, SB 385 does not state who would be responsible for imposing a civil fine on a health care provider that knowingly refuses to disclose a medical record within a reasonable time frame of no more than 21 working days.

Pursuant to Health Occupations Article § 14-404(a)(13), the Board currently has statutory authority to discipline a licensee who, on proper request, and in accordance with the provisions of Title 4, Subtitle 3 of the Health General Article, fails to provide details of a patient’s medical record to the patient, another physician or a hospital.

The Board would like to confirm that the civil penalty noted in Health General Article § 4-309(a) in the bill is separate from the fine that the Board may impose on licensees for a violation of H.O. § 14-404(a)(13), and the Board seeks clarification on whether the Board or another agency would be responsible for imposing the civil penalty authorized by Health General § 4-309(a).

I appreciate your consideration. If you have questions or need additional information, please contact Matthew Dudzic, Health Policy Analyst, Maryland Board of Physicians, 410-764-5042.

Sincerely,

Damean W. E. Freas, D.O.
Chair, Maryland Board of Physicians

The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.