

(2) "Medical record" includes any [documentation]:

(I) DOCUMENTATION of disclosures of a medical record to any person who is not an employee, agent, or consultant of the health care provider[.

(3) "Medical record" includes any file];

(II) FILE or record maintained under § 12-505 of the Health Occupations Article by a pharmacy of a prescription order for drugs, medicines, or devices that identifies or may be readily associated with the identity of a patient[.]; AND

(III) DOCUMENTATION OF AN EXAMINATION OF A PATIENT REGARDLESS OF WHO:

1. REQUESTED THE EXAMINATION; OR
2. IS MAKING PAYMENT FOR THE EXAMINATION.

4-309.

(a) If a health care provider knowingly refuses to disclose a medical record within ~~fa reasonable time~~ 14 DAYS BUT NO MORE THAN 21 WORKING DAYS after THE DATE a person in interest requests the disclosure, the health care provider is liable for actual damages.

(B) A HEALTH CARE PROVIDER MAY NOT REFUSE TO DISCLOSE A MEDICAL RECORD ON THE REQUEST OF A PERSON IN INTEREST BECAUSE OF THE FAILURE OF THE PERSON IN INTEREST TO PAY FOR HEALTH CARE RENDERED BY THE HEALTH CARE PROVIDER.

[(b)](C) A health care provider or any other person is in violation of this subtitle if the health care provider or any other person:

- (1) Requests or obtains a medical record under false pretenses or through deception; or
- (2) Discloses a medical record in violation of this subtitle.

[(c)](D) A EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION, A health care provider or any other person, INCLUDING AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT, who knowingly and willfully violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to ~~fa fine not exceeding \$1,000 for the first offense and not exceeding \$5,000 for each subsequent conviction~~ THE FOLLOWING PENALTIES for a violation of any provision of this subtitle:

(E) (1) A HEALTH CARE PROVIDER OR ANY OTHER PERSON, INCLUDING AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT, WHO KNOWINGLY AND WILLFULLY REQUESTS OR OBTAINS A MEDICAL RECORD UNDER FALSE PRETENSES OR THROUGH DECEPTION OR KNOWINGLY AND WILLFULLY DISCLOSES A MEDICAL RECORD IN VIOLATION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE FOLLOWING PENALTIES: