

Article - Health - General

§4-302. Confidentiality and Disclosure Generally

- (a) A health care provider shall:
 - (1) Keep the medical record of a patient or recipient confidential; and
 - (2) Disclose the medical record only:
 - (i) As provided by this subtitle; or
 - (ii) As otherwise provided by law.
- (b) The provisions of this subtitle do not apply to information:
 - (1) Not kept in the medical record of a patient or recipient that is related to the administration of a health care facility, including:
 - (i) Risk management;
 - (ii) Quality assurance; and
 - (iii) Any activities of a medical or dental review committee that are confidential under the provisions of Title 4, Subtitle 5 and Title 14, Subtitle 5 of the Health Occupations Article and any activities of a pharmacy review committee;
 - (2) Governed by the federal confidentiality of alcohol and drug abuse patient records regulations, 42 C.F.R. Part 2 and the provisions of § 8-601(c) of this article; or
 - (3) Governed by the developmental disability confidentiality provisions in §§ 7-1008 through 7-1011 of this article.
- (c) A health care provider may disclose directory information about a patient without the authorization of a person in interest, except if the patient has instructed the health care provider in writing not to disclose directory information.
- (d) A person to whom a medical record is disclosed may not redisclose the medical record to any other person unless the redisclosure is:
 - (1) Authorized by the person in interest;
 - (2) Otherwise permitted by this subtitle;
 - (3) Permitted under § 1-202(b) or (c) of the Human Services Article; or
 - (4) Directory information.
- (e) (1) Except as provided in paragraph (2) of this subsection, a person may not disclose by sale, rental, or barter any medical record.
 - (2) This subsection shall not prohibit the transfers of medical records relating to the transfer of ownership of a health care practice or facility if the transfer is in accord with the ethical guidelines of the applicable health care profession or professions.
- (f) The provisions of this subtitle may not be construed to constitute an exception to the reporting requirements of Title 5, Subtitle 7 and Title 14, Subtitle 3 of the Family Law Article.