## §4–301. Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) (1) "Directory information" means information concerning the presence and general health condition of a patient who has been admitted to a health care facility or who is currently receiving emergency health care in a health care facility.
- (2) "Directory information" does not include health care information developed primarily in connection with mental health services.
- (c) "Disclose or disclosure" means the transmission or communication of information in a medical record, including an acknowledgment that a medical record on a particular patient or recipient exists.
- (d) "Emergency" means a situation when, in the professional opinion of the health care provider, a clear and significant risk of death or imminent serious injury or harm to a patient or recipient exists.
- (e) "General health condition" means the health status of a patient described in terms of "critical", "poor", "fair", "good", "excellent", or terms denoting similar conditions.
- (f) "Health care" means any care, treatment, or procedure by a health care provider:
- (1) To diagnose, evaluate, rehabilitate, manage, treat, or maintain the physical or mental condition of a patient or recipient; or
  - (2) That affects the structure or any function of the human body.
  - (g) (1) "Health care provider" means:
- (i) A person who is licensed, certified, or otherwise authorized under the Health Occupations Article or § 13–516 of the Education Article to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program; or
- (ii) A facility where health care is provided to patients or recipients, including a facility as defined in § 10–101(e) of this article, a hospital as defined in § 19–301 of this article, a related institution as defined in § 19–301 of this article, a health maintenance organization as defined in § 19–701(g) of this article, an outpatient clinic, and a medical laboratory.
- (2) "Health care provider" includes the agents, employees, officers, and directors of a facility and the agents and employees of a health care provider.
- (h) (1) "Medical record" means any oral, written, or other transmission in any form or medium of information that:
  - (i) Is entered in the record of a patient or recipient;

- (ii) Identifies or can readily be associated with the identity of a patient or recipient; and
  - (iii) Relates to the health care of the patient or recipient.
  - (2) "Medical record" includes any:
- (i) Documentation of disclosures of a medical record to any person who is not an employee, agent, or consultant of the health care provider;
- (ii) File or record maintained under § 12–403(b)(13) 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;
- (iii) Documentation of an examination of a patient regardless of who:
  - 1. Requested the examination; or
  - 2. Is making payment for the examination; and
  - (iv) File or record received from another health care provider
- 1. Relates to the health care of a patient or recipient received from that health care provider; and
- 2. Identifies or can readily be associated with the identity of the patient or recipient.
- (i) (1) "Mental health services" means health care rendered to a recipient primarily in connection with the diagnosis, evaluation, treatment, case management, or rehabilitation of any mental disorder.
- (2) For acute general hospital services, mental health services are considered to be the primarily rendered service only if service is provided pursuant to Title 10, Subtitle 6 or Title 12 of this article.
- (j) "Patient" means a person who receives health care and on whom a medical record is maintained.
  - (k) "Person in interest" means:

that:

- (1) An adult on whom a health care provider maintains a medical record;
- (2) A person authorized to consent to health care for an adult consistent with the authority granted;
  - (3) A duly appointed personal representative of a deceased person;
- (4) (i) A minor, if the medical record concerns treatment to which the minor has the right to consent and has consented under Title 20, Subtitle 1 of this article; or
- (ii) A parent, guardian, custodian, or a representative of the minor designated by a court, in the discretion of the attending physician who provided the treatment to the minor, as provided in § 20–102 or § 20–104 of this article;
  - (5) If paragraph (4) of this subsection does not apply to a minor:

- (i) A parent of the minor, except if the parent's authority to consent to health care for the minor has been specifically limited by a court order or a valid separation agreement entered into by the parents of the minor; or
- (ii) A person authorized to consent to health care for the minor consistent with the authority granted; or
- (6) An attorney appointed in writing by a person listed in paragraph (1), (2), (3), (4), or (5) of this subsection.
- (l) "Primary provider of mental health services" means the designated mental health services provider who:
- (1) Has primary responsibility for the development of the mental health treatment plan for the recipient; and
  - (2) Is actively involved in providing that treatment.
- (m) "Recipient" means a person who has applied for, for whom an application has been submitted, or who has received mental health services.