

THE OFFICE OF THE MEDICAL EXAMINER AS AUTHORIZED UNDER TITLE 5 OF THIS ARTICLE.

(2) A WRITTEN REQUEST FOR DISCLOSURE OR WRITTEN CONFIRMATION OF AN ORAL REQUEST IN AN EMERGENCY THAT JUSTIFIES THE NEED FOR DISCLOSURE SHALL BE INSERTED IN THE MEDICAL RECORD OF THE RECIPIENT.

(3) DOCUMENTATION OF THE DISCLOSURE SHALL BE INSERTED IN THE MEDICAL RECORD OF THE RECIPIENT.

(4) THIS SUBSECTION MAY NOT PRECLUDE A HEALTH CARE PROVIDER, A RECIPIENT, OR A PERSON IN INTEREST FROM ASSERTING IN A MOTION TO QUASH OR A MOTION FOR A PROTECTIVE ORDER ANY CONSTITUTIONAL RIGHT OR OTHER LEGAL AUTHORITY IN OPPOSITION TO DISCLOSURE.

4-308.

A HEALTH CARE PROVIDER, WHO IN GOOD FAITH DISCLOSES OR DOES NOT DISCLOSE A MEDICAL RECORD, IS NOT LIABLE IN ANY CAUSE OF ACTION ARISING FROM THE DISCLOSURE OR NONDISCLOSURE OF THE MEDICAL RECORD.

4-309.

(A) IF A HEALTH CARE PROVIDER KNOWINGLY ~~AND WILLFULLY~~ REFUSES TO DISCLOSE A MEDICAL RECORD WITHIN A REASONABLE TIME AFTER A PERSON IN INTEREST REQUESTS THE DISCLOSURE, THE HEALTH CARE PROVIDER IS LIABLE FOR ACTUAL DAMAGES.

(B) A HEALTH CARE PROVIDER OR ANY OTHER PERSON IS IN VIOLATION OF THIS SUBTITLE IF THE HEALTH CARE PROVIDER OR ANY OTHER PERSON ~~KNOWINGLY AND WILLFULLY~~:

(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) A HEALTH CARE PROVIDER OR ANY OTHER PERSON WHO KNOWINGLY ~~AND WILLFULLY~~ AND WILLFULLY VIOLATES ANY PROVISION OF THIS SUBTITLE ~~IS LIABLE FOR ACTUAL DAMAGES AND~~ IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$5,000 FOR EACH SUBSEQUENT CONVICTION FOR A VIOLATION OF ANY PROVISION OF THIS SUBTITLE.

(D) A HEALTH CARE PROVIDER OR ANY OTHER PERSON WHO