

~~(2) IN ADDITION, ANY PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED NOT MORE THAN \$1,000. ANY DAMAGES RECOVERABLE IN LAW OR EQUITY INCLUDING REASONABLE ATTORNEY'S FEES.~~

Article 48A - Insurance Code

354M.

(A) A NONPROFIT HEALTH SERVICE PLAN MAY REVEAL SPECIFIC MEDICAL INFORMATION CONTAINED IN A SUBSCRIBER'S MEDICAL RECORDS TO THE SUBSCRIBER OR HIS AGENT OR REPRESENTATIVE.

(B) A NONPROFIT HEALTH SERVICE PLAN MAY NOT REVEAL SPECIFIC MEDICAL INFORMATION CONTAINED IN A SUBSCRIBER'S MEDICAL RECORDS TO ANY PERSON UNLESS:

(1) IT IS AUTHORIZED BY THE SUBSCRIBER; OR

(2) IT IS PROVIDING INFORMATION REQUESTED BY OR IN FURTHERANCE OF THE PURPOSE OF A MEDICAL REVIEW COMMITTEE, ACCREDITATION BOARD, OR COMMISSION, OR IN RESPONSE TO LEGAL PROCESS; OR

(3) IT IS FURNISHING INFORMATION TO ANOTHER NONPROFIT HEALTH SERVICE PLAN, OR BLUE CROSS OR BLUE SHIELD PLAN, ~~OR AN INSURANCE COMPANY~~ FOR THE PURPOSE OF COORDINATING BENEFIT PAYMENTS UNDER MORE THAN ONE SICKNESS AND ACCIDENT, DENTAL, OR HOSPITAL MEDICAL ~~INSURANCE POLICY OTHER THAN AN INDIVIDUAL POLICY CONTRACT~~; OR

(4) IT IS PROVIDING INFORMATION TO GOVERNMENTAL AGENCIES IN THE PERFORMANCE OF THEIR LAWFUL DUTIES AS AUTHORIZED BY AN ACT OF THE GENERAL ASSEMBLY OR THE UNITED STATES CONGRESS; OR

(5) WHEN PROVIDING INFORMATION AT THE REQUEST OF A RESEARCHER FOR THE PURPOSE OF MEDICAL AND HEALTH CARE RESEARCH PURSUANT TO A PROTOCOL APPROVED BY AN INSTITUTIONAL REVIEW BOARD.

(C) (1) A NONPROFIT HEALTH SERVICE PLAN WHICH KNOWINGLY VIOLATES THIS SECTION SHALL BE LIABLE TO ANY PLAINTIFF FOR:

~~(I) PUNITIVE DAMAGES OF UP TO \$5,000 FOR EACH VIOLATION;~~

~~(II) DAMAGES FOR MENTAL SUFFERING;~~

~~(III) ANY OTHER DAMAGES WHICH ARE RECOVERABLE AT LAW OR IN EQUITY; AND~~

~~(IV) REASONABLE ATTORNEY'S FEES.~~