

ACCIDENT, DENTAL, OR HOSPITAL AND MEDICAL INSURANCE POLICY OTHER THAN AN INDIVIDUAL POLICY.

(D) PENALTY.

A PROVIDER OF MEDICAL CARE WHO KNOWINGLY VIOLATES ANY PROVISION OF THIS SECTION SHALL BE LIABLE TO A PLAINTIFF FOR ANY DAMAGES RECOVERABLE IN LAW OR EQUITY, INCLUDING REASONABLE ATTORNEY'S FEES.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 54L.

In subsection (c) of this section, the phrase " } s } subsection (b) of this section does not apply" is substituted for the overly broad phrase " } t } his section does not apply", to reflect the apparent intent of the former law -- i.e., that these disclosures may be made notwithstanding the general prohibition against disclosures in subsection (b) of this section. This substitution avoids the unintended possibility of disallowing a disclosure under subsection (a) of this section in the event that a circumstance in subsection (c) of this section occurs.

The only other changes are in style.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that subsection (a)(1) of this section may not encompass disclosures of medical information on an individual, if the individual is a minor. Cf., § 4-302(a)(4) and (b)(3) of this subtitle, as to required disclosures by certain facilities.

See also Subtitle 1 of this title as to confidential records of the Secretary and certain units in the Department.

Defined terms: "Includes"/"including" § 1-101  
"Person" § 1-101

4-302. RECORDS OF FACILITIES.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FACILITY" MEANS:

(I) A HOSPITAL AS DEFINED IN § 19-301 OF THIS ARTICLE; OR