

DESTRUCTION OR TRANSFER OF ANY MEDICAL RECORDS OF A PATIENT OF THE DECEDENT.

Article - Health - General

4-305.

(A) EXCEPT FOR A MINOR PATIENT, UNLESS A PATIENT IS NOTIFIED, A PHYSICIAN, OPTOMETRIST, PODIATRIST, OR DENTIST MAY NOT DESTROY A MEDICAL RECORD OR LABORATORY OR X-RAY REPORT ABOUT A PATIENT FOR ± 0 5 YEARS AFTER THE RECORD OR REPORT IS MADE.

(B) IN THE CASE OF A MINOR PATIENT, ~~UNLESS--THE--PARENT--OR GUARDIAN---OF---THE--MINOR--PATIENT--IS--NOTIFIED,~~ A PHYSICIAN, OPTOMETRIST, PODIATRIST, OR DENTIST MAY NOT DESTROY A MEDICAL RECORD OR LABORATORY OR X-RAY REPORT ABOUT A MINOR PATIENT UNTIL THE PATIENT ATTAINS THE AGE OF MAJORITY PLUS 3 YEARS OR FOR ± 0 5 YEARS AFTER THE RECORD OR REPORT IS MADE, WHICHEVER IS LATER τ 1 UNLESS:

(1) THE PARENT OR GUARDIAN OF THE MINOR PATIENT IS NOTIFIED; OR

(2) IF THE MEDICAL CARE DOCUMENTED IN THE RECORD WAS PROVIDED UNDER § 20-102(C) OR § 20-103(C) OF THE HEALTH-GENERAL ARTICLE, THE MINOR PATIENT IS NOTIFIED.

(C) THE NOTICE UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL:

(1) BE MADE BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE PATIENT;

(2) INCLUDE THE DATE ON WHICH THE RECORD OF THE PATIENT SHALL BE DESTROYED; AND

(3) INCLUDE A STATEMENT THAT THE RECORD OR SYNOPSIS OF THE RECORD, IF WANTED, MUST BE RETRIEVED AT A DESIGNATED LOCATION WITHIN 30 DAYS OF THE PROPOSED DATE OF DESTRUCTION.

(D) AFTER THE DEATH OF A PHYSICIAN, PODIATRIST, OPTOMETRIST, OR DENTIST, WHO WAS A SOLE PRACTITIONER, THE ADMINISTRATOR OF THE ESTATE, OR A DESIGNEE SHALL:

(1) FORWARD THE NOTICE REQUIRED IN THIS SECTION BEFORE THE DESTRUCTION OR TRANSFER OF MEDICAL RECORDS; OR

(2) PUBLISH A NOTICE IN A DAILY NEWSPAPER THAT IS CIRCULATED LOCALLY FOR 2 CONSECUTIVE WEEKS:

(I) STATING THE DATE THAT THE MEDICAL RECORDS WILL BE DESTROYED OR TRANSFERRED; AND

(II) DESIGNATING A LOCATION, DATE, AND TIME WHERE THE MEDICAL RECORDS MAY BE RETRIEVED, IF WANTED.