

(II) STATES THAT THE PATIENT MAY CHOOSE TO OBTAIN THE HEALTH CARE SERVICE FROM ANOTHER HEALTH CARE ENTITY; AND

(III) REQUIRES THE PATIENT TO ACKNOWLEDGE IN WRITING RECEIPT OF THE STATEMENT;

(2) EXCEPT IF AN ORAL REFERRAL IS MADE BY TELEPHONE, INSERT IN THE MEDICAL RECORD OF THE PATIENT A COPY OF THE WRITTEN ACKNOWLEDGEMENT;

(3) PLACE ON PERMANENT DISPLAY A WRITTEN NOTICE THAT IS IN A TYPEFACE THAT IS LARGE ENOUGH TO BE EASILY LEGIBLE TO THE AVERAGE PERSON FROM A DISTANCE OF 8 FEET AND THAT IS IN A LOCATION THAT IS PLAINLY VISIBLE TO THE PATIENTS OF THE HEALTH CARE PRACTITIONER DISCLOSING ALL OF THE HEALTH CARE ENTITIES:

(I) IN WHICH THE PRACTITIONER, THE PRACTITIONER'S IMMEDIATE FAMILY, OR THE PRACTITIONER IN COMBINATION WITH THE PRACTITIONER'S IMMEDIATE FAMILY OWNS A BENEFICIAL INTEREST; AND

(II) TO WHICH THE PRACTITIONER REFERS PATIENTS; AND

(4) DOCUMENTS IN THE MEDICAL RECORD OF THE PATIENT THAT:

(I) A VALID MEDICAL NEED EXISTS FOR THE REFERRAL; AND

(II) THE PRACTITIONER HAS DISCLOSED THE EXISTENCE OF THE BENEFICIAL INTEREST TO THE PATIENT.

(C) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

(1) A HEALTH CARE PRACTITIONER WHEN TREATING A MEMBER OF A HEALTH MAINTENANCE ORGANIZATION AS DEFINED IN § 19-701 OF THE HEALTH-GENERAL ARTICLE AND THE HEALTH CARE PRACTITIONER DOES NOT HAVE A BENEFICIAL INTEREST IN THE HEALTH CARE ENTITY; OR

(2) A HEALTH CARE PRACTITIONER WHO REFERS A PATIENT:

(I) TO ANOTHER HEALTH CARE PRACTITIONER IN THE SAME GROUP PRACTICE AS THE REFERRING HEALTH CARE PRACTITIONER;

(II) FOR IN-OFFICE ANCILLARY SERVICES; OR

(III) FOR HEALTH CARE SERVICES PROVIDED THROUGH OR BY A HEALTH CARE ENTITY OWNED OR CONTROLLED BY A HOSPITAL.

(D) A HEALTH CARE PRACTITIONER WHO FAILS TO COMPLY WITH ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000.