

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PERSON OR ENTITY WHO IS NOT SUBJECT TO THE PROVISIONS OF THIS SUBSECTION AND WHO OBTAINS A MEDICAL RECORD FROM A HEALTH CARE PROVIDER OR THE PROVIDER'S AGENT MAY NOT CHARGE A FEE FOR ANY SUBSEQUENT COPIES OF THAT MEDICAL RECORD THAT EXCEEDS THE FEE AUTHORIZED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.

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(a) If a health care provider knowingly 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:

(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) (1) IN ADDITION TO THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF THIS SECTION, A HEALTH CARE PROVIDER IS IN VIOLATION OF § 4-304 OF THIS SUBTITLE IF THE HEALTH CARE PROVIDER REFUSES TO COMPLY WITH A REQUEST FOR A COPY OF A MEDICAL RECORD BY:~~

~~(i) WILLFULLY OR ARBITRARILY REFUSING TO PROVIDE THE COPY OF THE MEDICAL RECORD; OR~~

~~(ii) IMPOSING A CHARGE FOR A COPY OF A MEDICAL RECORD IN EXCESS OF THE REASONABLE EXPENSE OF MAKING THE COPIES AND PROCESSING THE REQUEST.~~

~~(2) A HEALTH CARE PROVIDER FOUND IN VIOLATION OF THIS SUBSECTION IS LIABLE FOR ACTUAL COSTS TO THE PERSON IN INTEREST OR ANY OTHER AUTHORIZED PERSON THAT WERE INCURRED DURING THE COURSE OF OBTAINING THE COPIES, INCLUDING COURT COSTS AND REASONABLE ATTORNEY'S FEES.~~

~~(c)(d)~~ A health care provider or any other person who knowingly and willfully violates any provision of this subtitle 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)(e)~~ A health care provider or any other person who knowingly violates any provision of this subtitle is liable for actual damages.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

Approved May 26, 1994.