

(4) (1) A FINE NOT EXCEEDING \$50,000, IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH;

(5) (2) IF THE OFFENSE IS COMMITTED UNDER FALSE PRETENSES, A FINE NOT EXCEEDING \$100,000, IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR BOTH; AND

(6) (3) IF THE OFFENSE IS COMMITTED WITH INTENT TO SELL, TRANSFER, OR USE INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION FOR COMMERCIAL ADVANTAGE, PERSONAL GAIN, OR MALICIOUS HARM, A FINE NOT EXCEEDING \$250,000, IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR BOTH.

(2) THIS SUBSECTION DOES NOT APPLY TO AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT THAT IS CONDUCTING A CRIMINAL INVESTIGATION.

~~[(d)]~~ (F) A health care provider or any other person who knowingly violates any provision of this subtitle is liable for actual damages.

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(a) In this section, a "health care provider" means:

- (1) An audiologist;
- (2) A chiropractor;
- (3) A dietitian;
- (4) A dentist;
- (5) An electrologist;
- (6) A MASSAGE THERAPIST:
- ~~(6)~~ (7) A mortician;
- ~~(7)~~ (8) A nurse;
- ~~(8)~~ (9) A nutritionist;
- ~~(9)~~ (10) An occupational therapist;
- ~~(10)~~ (11) An optometrist;
- ~~(11)~~ (12) A physical therapist;
- ~~(12)~~ (13) A physician;
- ~~(13)~~ (14) A podiatrist;
- ~~(14)~~ (15) A professional counselor;
- ~~(15)~~ (16) A psychologist;
- ~~(16)~~ (17) A social worker; and
- ~~(17)~~ (18) A speech-language pathologist.