

(b) Except for a minor patient, unless a patient is notified, a health care provider may not destroy a medical record or laboratory or X-ray report about a patient for 5 years after the record or report is made.

(c) In the case of a minor patient, a medical record or laboratory or X-ray report about a minor patient may not be destroyed until the patient attains the age of majority plus 3 years or for 5 years after the record or report is made, whichever is later, 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.

(d) The notice under subsections (b) and (c) 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.

(e) After the death, RETIREMENT, SURRENDER OF THE LICENSE, OR DISCONTINUANCE OF THE PRACTICE OR BUSINESS of a health care provider [who was a sole practitioner], THE HEALTH CARE PROVIDER, the administrator of the estate, or a designee WHO AGREES TO PROVIDE FOR THE MAINTENANCE OF THE MEDICAL RECORDS OF THE PRACTICE OR BUSINESS AND WHO STATES, IN WRITING TO THE APPROPRIATE HEALTH OCCUPATION BOARD WITHIN A REASONABLE TIME, THAT THE RECORDS WILL BE MAINTAINED IN COMPLIANCE WITH THIS SECTION, 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.

(F) 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, 1997.

Approved May 22, 1997.