

~~(iii) 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.~~

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

~~(G) A HEALTH CARE PROVIDER OR ANY OTHER PERSON, INCLUDING AN OFFICER OR EMPLOYEE OF A LOCAL GOVERNMENT UNDER § 5-302 OF THE COURTS ARTICLE OR STATE PERSONNEL UNDER § 5-622 OF THE COURTS ARTICLE, MAY BE LIABLE FOR PUNITIVE DAMAGES IF THE PERSON:~~

~~(1) KNOWINGLY AND WILLFULLY REQUESTS OR OBTAINS A MEDICAL RECORD UNDER FALSE PRETENSES OR THROUGH DECEPTION WITH INTENT TO SELL, TRANSFER, OR USE INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION FOR COMMERCIAL ADVANTAGE, PERSONAL GAIN, OR MALICIOUS HARM; OR~~

~~(2) KNOWINGLY AND WILLFULLY DISCLOSES A MEDICAL RECORD IN VIOLATION OF THIS SUBTITLE WITH INTENT TO SELL, TRANSFER, OR USE INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION FOR COMMERCIAL ADVANTAGE, PERSONAL GAIN, OR MALICIOUS HARM.~~

SUBTITLE 3A. STATE ADVISORY COUNCIL ON MEDICAL PRIVACY AND
CONFIDENTIALITY.

4-3A-01.

THERE IS A STATE ADVISORY COUNCIL ON MEDICAL PRIVACY AND CONFIDENTIALITY.

4-3A-02.

(A) IN THIS SUBTITLE, "ADVISORY COUNCIL" MEANS THE STATE ADVISORY COUNCIL ON MEDICAL PRIVACY AND CONFIDENTIALITY.

(B) (1) THE ADVISORY COUNCIL CONSISTS OF ~~25~~ 29 MEMBERS.

(2) THE ADVISORY COUNCIL SHALL CONSIST OF ~~25~~ 29 VOTING MEMBERS APPOINTED BY THE GOVERNOR.

(3) OF THE ~~25~~ 29 VOTING MEMBERS:

(I) ONE SHALL BE THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE SECRETARY'S DESIGNEE;

(II) ~~TWO~~ THREE SHALL BE LICENSED PHYSICIANS, INCLUDING:

1. ONE BOARD CERTIFIED PEDIATRICIAN WITH EXPERTISE IN THE CONFIDENTIALITY OF CHILDREN'S MEDICAL RECORDS; AND