

**Concise Version of Senate Bill 690 as Enrolled
(2005 Md. Laws ch. 503)**

[A rewritten Health-General 4-306(b)(6) merging it with prior 4-307 to cover all subpoenas.]

4-306.

- (b) A health care provider shall disclose a medical record without the authorization of a person in interest.

6. Subject to the additional limitations for a medical record developed primarily in connection with the provision of mental health services in § 4-307 of this subject and except as otherwise provided in items (2), (7), and (8) of this subsection, in accordance with compulsory process, if the HEALTH CARE PROVIDER RECEIVES:

(I) 1. WRITTEN ASSURANCE FROM THE PARTY OF THE ATTORNEY REPRESENTING THE PARTY SEEKING THE MEDICAL RECORDS THAT:

A. A PERSON IN INTEREST HAS NOT OBJECTED TO THE DISCLOSURE OF THE DESIGNATED MEDICAL RECORDS AND 30 DAYS HAVE ELAPSED SINCE THE NOTICE WAS SENT; OR

B. THE OBJECTIONS OF A PERSON IN INTEREST HAVE BEEN RESOLVED AND THE REQUEST FOR DISCLOSURE IS IN ACCORDANCE WITH THE RESOLUTION;

2. PROOF THAT SERVICE OF THE SUBPOENA, SUMMONS, WARRANT, OR COURT ORDER HAS BEEN WAIVED BY THE COURT FOR GOOD CAUSE; OR

3. A COPY OF AN ORDER ENTERED BY A COURT EXPRESSLY AUTHORIZING DISCLOSURE OF THE DESIGNATED MEDICAL RECORDS; AND

(II) FOR DISCLOSURES MADE UNDER ITEM (I) OF THIS PARAGRAPH, COPIES OF THE FOLLOWING ITEMS THAT WERE MAILED BY CERTIFIED MAIL TO THE PERSON IN INTEREST BY THE PERSON REQUESTING THE DISCLOSURE AT LEAST 30 DAYS BEFORE THE RECORDS ARE TO BE DISCLOSED:

1. THE SUBPOENA, SUMMONS, WARRANT, OR COURT ORDER SEEKING THE DISCLOSURE OR PRODUCTION OF THE RECORDS;

2. THIS SECTION; AND

3. A NOTICE IN THE FOLLOWING FORM OR A SUBSTANTIALLY SIMILAR FORM:

Statutory Patient Subpoena Notice Form

PLAINTIFFS

IN THE

v.

FOR

DEFENDANTS

CASE NO. _____

**NOTICE TO (PATIENT NAME)
IN COMPLIANCE WITH § 4-306 OF THE HEALTH-GENERAL ARTICLE,
ANNOTATED CODE OF MARYLAND**

TAKE NOTE THAT MEDICAL RECORDS REGARDING (PATIENT NAME), HAVE BEEN SUBPOENAED FROM THE (NAME AND ADDRESS OF HEALTH CARE PROVIDER) PURSUANT TO THE ATTACHED SUBPOENA AND § 4-306 OF THE HEALTH – GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND. THIS SUBPOENA _____ DOES _____ DOES NOT (MARK ONE) SEEK PRODUCTION OF MENTAL HEALTH RECORDS.

PLEASE EXAMINE THESE PAPERS CAREFULLY. IF YOU HAVE ANY OBJECTION TO THE PRODUCTION OF THESE DOCUMENTS YOU MUST FILE A MOTION FOR A PROTECTIVE ORDER OR A MOTION TO QUASH THE SUBPOENA ISSUED FOR THESE DOCUMENTS UNDER MARYLAND RULES 2-403 AND 2-510 NO LATER THAN THIRTY (30) DAYS FORM THE DATE THIS NOTICE IS MAILED. FOR EXAMPLE, A PROTECTIVE ORDER MAY BE GRANTED IF THE RECORDS ARE NOT RELEVANT TO THE ISSUES IN THIS CASE, THIS REQUEST UNDULY INVADES YOUR PRIVACY, OR CAUSES YOU SPECIFIC HARM.

ALSO ATTACHED TO THIS FORM IS A COPY OF THE SUBPOENA DUCES TECUM ISSUED FOR THESE RECORDS.

IF YOU BELIEVE YOU NEED FURTHER LEGAL ADVICE ABOUT THIS MATTER, YOU SHOULD CONSULT YOUR ATTORNEY.

ATTORNEY
(FIRM NAME,
ATTORNEY ADDRESS
ATTORNEY PHONE NUMBER)

ATTORNEYS FOR (NAME OF PARTY
REPRESENTED)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE FORGOING NOTICE WAS MAILED, FIRST-CLASS, POSTAGE PREPAID, THIS _____ DAY OF _____, 200__ TO

PATIENT

EACH COUNSEL IN CASE

ATTORNEY