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| **Present process** | | | | |
| Counsel serves **compulsory process** and **certificate** on health care provider<br><br>*Mental Health records certification (HG 4-307)*<br>• Sent notice with specified items included to person in interest<br>• Copy of process was attached<br>• Sent by certified mail "on or before" date of issuance<br><br>*Other medical records certification (HG 4-306)*<br>• Copy of request served on person in interest or<br>• Service waived by the Court | >>>><br>>>>> | Time for response set by each counsel<br><br>>>>>>>>>>>>>>>>>>>>>>> | >>>><br>>>>> | **Records released on or before date set by counsel** unless provider receives copy of protective order preventing disclosure<br><br>Problem: No time limit for objections, therefore no possibility of providing "satisfactory assurance" that the time limit had passed as required by HIPAA privacy Rule – 45 CFR Part 164.<br><br>**HIPAA "Work Around" : Records released pursuant to "qualified protective order"** limiting disclosure to parties in the action and requiring return or destruction of the records when the case is completed. |
| **SB 690 processes** | | | | |
| Counsel sends **copy of the process with form notice** required by the statute to the person in interest by certified mail<br><br>Counsel obtains **waiver of service of Rule 4-306 notice** for good cause<br><br>Counsel obtains **Court Order requiring disclosure** | >>>><br>>>>> | Time for objections to be raised set by statute (30 days)<br><br>>>>>>>>>>>>>>>>>>>>>>><br><br>>>>>>>>>>>>>>>>>>>>>>> | >>>><br>>>>> | Records released only when provider receives process and<br>1. **copy of notice** sent to person in interest;<br>• **copy of statute** section; and<br>• **assurance of counsel** that<br>• time has passed<br>• or objections have been resolved; or<br>2. **proof that service has been** waived by the Court for good cause; or<br><br>3. **a Court order requiring disclosure** of the designated medical records |