

HEALTH - GENERAL
TITLE 7. DEVELOPMENTAL DISABILITIES LAW
SUBTITLE 10. RIGHTS OF INDIVIDUALS

Md. HEALTH-GENERAL Code Ann. § 7-1010 (2014)

§ 7-1010. Records -- Consent to disclosure

(a) Required. -- Except as otherwise expressly provided in this section, a licensee may not disclose any record that the licensee keeps on an individual who has been served by the licensee, unless the individual gives written, informed consent to the disclosure.

(b) When disclosure permitted. --

(1) Subject to the limitations of this subsection, a licensee shall disclose a record of an individual who is served by a licensee to:

(i) The individual with developmental disability, if:

1. A person is not authorized to act on behalf of the individual with developmental disability; and

2. The executive officer or administrative head of the licensee determines that disclosure would not be detrimental to the individual with developmental disability;

(ii) A parent or guardian of the person with developmental disability who is:

1. A minor; or

2. Unless the individual with developmental disability asks that disclosure to the parent or guardian not be allowed, an adult;

(iii) A lawyer or other individual who is authorized:

1. By the individual with developmental disability; or

2. By another individual to whom, on behalf of the individual with developmental disability, disclosure of the record is authorized; or

(iv) To the executive director or a designee of the executive director of the State-designated protection and advocacy agency, if:

1. The agency has received a request for an investigation; and

2. There is no other person to whom, on behalf of the individual with developmental disability, the record may be disclosed under this paragraph; or

3. The individual with developmental disability is unable to give written informed consent and the Deputy Secretary determines that disclosure is necessary to protect the rights of the individual with developmental disability.

(2) A licensee shall comply within 14 days after an individual with developmental disability or a person who is authorized to act on behalf of that individual, asks in writing:

(i) To receive a copy of a record; or

(ii) To see and copy the record disclosed.

(c) Refusal of licensee to disclose. -- If a licensee refuses to disclose a record under subsection (b)(1)(i) of this section, the executive officer or administrative head of a licensee shall apply, within 10 working days after the refusal, to the circuit court for the county where the individual making the request resides or where the site of services to the individual occurred for an order to permit the executive officer or administrative head of the licensee to continue to refuse disclosure to the individual with developmental disability.

(d) When disclosure required. -- A licensee shall disclose a record that is sought:

(1) By the staff of the licensee to carry out a purpose for which the record is kept;

(2) By any other person who provides or coordinates services in accordance with the individual's plan of habilitation;

(3) By the Deputy Secretary or a designee of the Deputy Secretary; and

(4) By a person to further the purposes of:

(i) A medical review committee;

(ii) An accreditation board or commission;

(iii) A licensing agency that is authorized by statute to review records;

(iv) A court order;

(v) A representative of the Division of Reimbursement of the Department;

(vi) An auditor of the Department;

(vii) An auditor of the Office of Legislative Audits of the Department of Legislative Services; or

(viii) The Clients' Rights Committee of the licensee unless the individual with

developmental disability objects.

(e) Fees for copies. --

(1) A licensee may require a person who asks for a copy of a record to pay a reasonable fee.

(2) The fee may not exceed the cost of copying the record.

(f) List of disclosures. --

(1) Except for a disclosure that is made to the staff for its routine use under subsection (d)(1) of this section, a licensee shall keep a list of all disclosures of a record.

(2) The list shall state:

(i) The date, nature, and purpose of each disclosure; and

(ii) The name and address of each person to whom the disclosure is made.