

# 10.32.[19]07 Disclosure of Records [to ~~State Health Agencies~~]

## .01 Scope.

This chapter does not alter the authority of the Secretary under [of the] Health Occupations Article, §1-203(a), Annotated Code of Maryland or Health-General Article, §2-106(c), Annotated Code of Maryland.

## .02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” has the meaning stated in Health Occupations, §14-101, Annotated Code of Maryland. [~~the Maryland Board of Physicians.~~]

(2) “Department” means the Maryland Department of Health.

(3) “Record” means the proceedings, records, or files of the Board.

(4) “Secretary” means the Secretary of Health.

## .03 Disclosure of Information to the Department and Agencies Within the Department.

A. The Board shall disclose information contained in a record to the Secretary upon receipt of a written request from the Secretary stating that the requested information is appropriate and needed for:

(1) An investigation of quality or utilization of care in an entity regulated by the Office of Health Care Quality;

(2) An investigation of quality or utilization of care in an entity regulated by the Health Services Cost Review Commission; or

(3) An investigation regarding the introduction or spread of an infectious or contagious disease or other disease that endangers the public health in the State.

B. The Board shall disclose information contained in a record to the Office of Health Care Quality upon receipt of a written request from the Director of the Office of Health Care Quality stating that the requested information is appropriate and needed for an investigation of quality or utilization of care in an entity regulated by the Office of Health Care Quality.

C. The Board shall disclose information contained in a record to the Health Services Cost Review Commission upon receipt of a written request from the Executive Director of the Health Services Cost Review Commission stating that the requested information is appropriate and needed for an investigation of quality or utilization of care in an entity regulated by the Health Services Cost Review Commission.

D. The Board shall disclose information contained in a record to the Maryland Health Care Commission upon receipt of a written request from the Executive Director of the Maryland Health Care Commission stating that the requested information is appropriate and needed in an investigation of quality or utilization of care in an entity regulated by the Maryland Health Care Commission.

#### ***.04 Disclosure for Compelling Public Purpose.***

*A. A custodian of the Board may find that a compelling public purpose warrants disclosure of information in a certification, licensing, or investigative file, regardless of whether there has been a request for the information, if the information concerns:*

*(1) Possible criminal activity, and is disclosed to a federal, state, or local law enforcement or prosecutorial official or authority;*

*(2) A possible violation of law, and is disclosed to a federal, state, or local authority that has jurisdiction over the individual whose conduct may be a violation or over a facility in which the*

*individual is practicing or has practiced and the information disclosed is limited to that information relevant to the possible violation by that individual; or*

*(3) Conduct by an individual which the Board reasonably believes may pose a risk to the public health, safety, or welfare, and is disclosed to a law enforcement authority, administrative official, or agency that regulates the individual or regulates a facility in which the individual has practiced, or to an employer; a hospital or other health care facility where the individual has privileges.*

#### **[.04] .05 Requirements Regarding the Transfer of a Record.**

A. The Board shall disclose the information required under this chapter as soon as reasonably possible, but no later than 30 days after a request made under this chapter.

B. The information disclosed by the Board under this chapter shall be sent on paper by first-class mail or by another delivery method agreed to by the Board and the Secretary or agency requesting the information.

#### **[.05] .06 Confidentiality.**

A. Information disclosed by the Board under this chapter shall remain confidential and may not be redisclosed by the Secretary, the Office of Health Care Quality, the Health Services Cost Review Commission, or the Maryland Health Care Commission unless otherwise permitted by law.

*B. This chapter does not prevent or limit the ability of the Board to disclose general licensing information as provided in General Provisions § 4-333, Annotated Code of Maryland, or any information which the Board may otherwise disclose by law.*