Ulyx Advisory

MODPA READINESS · MEDICAL & DENTAL PRACTICES

Maryland Online Data Privacy Act · 24-point self-check for practices

Jason S. Robertson, Founder & Principal
(703) 629-1028 · jason@ulyxadvisory.com
ulyxadvisory.com · Book a call: ulyxadvisory.com/book
9601 Wadsworth Drive, Bethesda, MD 20817

Twenty-four things a Maryland medical or dental practice should be able to show a regulator, with a document, before April 1, 2027.

MODPA exempts protected health information, not the practice. Website and booking data, marketing and recall lists, and data about people who never became patients sit outside the HIPAA record, and much of it is consumer health data. Whether the law applies to your practice is your counsel's determination. This edition starts where a practice's risk usually sits. Check an item only if you could hand over the document today.

1 KNOW WHAT YOU HOLD

- ☐ Your count of Maryland consumers outside the HIPAA record: website visitors, portal users, prospective patients, marketing and recall contacts, and class or event sign-ups. Staff acting in a work role fall outside it.
- ☐ A data map that separates PHI from everything else: website and analytics, online booking, patient portal, reviews, call tracking, marketing and payments.
- ☐ A written answer on which data you treat as HIPAA-exempt PHI and which you don't, including data about people who never became patients (counsel confirms).
- ☐ A retention schedule staff follow for non-PHI data: web-form leads, marketing and recall lists, call recordings and review-request lists.

2 PROTECT CONSUMER HEALTH DATA

- ☐ Consumer health data flagged: data outside the HIPAA record that reveals a health condition, treatment or appointment, such as condition-page visits, symptom checkers and booking requests.
- ☐ Sensitive data collected only where strictly necessary for the service the person asked for. A consent checkbox does not replace that test.
- ☐ Confirmation that no sensitive data is sold or traded for value, including through ad-tech or data-sharing deals, with or without consent.
- ☐ No geofencing within 1,750 feet of a mental health or reproductive or sexual health facility to identify, track or message people, by you or your marketing vendors.

3 REVIEW THE WEBSITE AND MARKETING

- ☐ Every pixel, analytics and ad tag on appointment-request, location, condition and portal-login pages inventoried, with where each one sends data.
- ☐ Global Privacy Control and other opt-out signals honored and tested on the website and booking pages.
- ☐ Recall, reactivation, newsletter and review-request campaigns reviewed: who is on each list, where it came from, and how a person opts out.
- ☐ No sale and no targeted advertising involving anyone you know, or should know, is under 18, including pediatric and orthodontic patients. Consent does not cure it.

4 CONTROL VENDORS AND TOOLS

- ☐ A vendor register that goes beyond your BAAs: web host and agency, analytics, booking and portal, reminders and texting, reviews, call tracking, payments and AI tools, and the data each receives.
- ☐ A written contract on file for each processor that covers non-PHI data too, with privacy, breach-notice and deletion terms your counsel has reviewed.
- ☐ An approval step before staff put patient or prospect data into a new app or AI tool, including AI scribes, chatbots and marketing tools.
- ☐ Security safeguards documented and an incident plan tested that covers both HIPAA breach rules and Maryland breach-notice steps.

5 ANSWER CONSUMER REQUESTS

- ☐ One intake channel for access, correction, deletion and copy requests, coordinated with your HIPAA records-request process, with a named owner.
- ☐ A request log that tracks the 45-day response clock, the one 45-day extension and the 60-day appeal window.
- ☐ A suppression step so a deleted or opted-out person is not re-added by a marketing import, review tool or booking sync.
- ☐ A website privacy notice that covers non-PHI data, separate from your HIPAA Notice of Privacy Practices, with working opt-outs (counsel approves the text).

6 GOVERN THE PROGRAM

- ☐ A named MODPA owner (often the HIPAA privacy officer or practice administrator) and a small working group that includes marketing and IT.
- ☐ Data protection assessments on file for targeted advertising, sale, profiling and sensitive data, covering each algorithm or AI tool used.
- ☐ Training for front-desk, marketing and IT staff on what HIPAA does and doesn't cover, with completion records.
- ☐ An owner or board briefing: leadership has seen the gap list and the April 1, 2027 plan.

The Short Version

THREE DATES

Oct 1, 2025 — MODPA took effect
Apr 1, 2026 — Attorney General enforcement began
Apr 1, 2027 — 60-day cure period ends; after this the AG can act without notice

WHY HIPAA IS NOT ENOUGH

MODPA exempts protected health information, **not the practice**. The **35,000**-consumer threshold counts every Maryland patient, portal user, website visitor and marketing contact you hold, so multi-site groups can reach it quickly. Your counsel makes the call.

WHAT IS DIFFERENT FOR PRACTICES

Website and booking data can be **consumer health data**, which Maryland treats as **sensitive data**: collected only when strictly necessary, and never sold. Geofencing near mental health and reproductive health facilities is barred.

EXPOSURE

Up to **$10,000** per violation and **$25,000** per repeat violation under the Consumer Protection Act. No private lawsuits.

HOW TO SCORE

0–4 unchecked: confirm with counsel and keep records current.
5–12: a two-week Readiness Snapshot ($4,500) maps the gaps and routes the legal questions to counsel.
13+: the six-week Readiness Program builds the workflows, opt-outs and assessments.

SECTOR EDITIONS

This is the medical and dental edition of the 24-point Ulyx checklist. The general edition and other sector editions are free at **ulyxadvisory.com/modpa**. Privacy counsel and IT partners are welcome to share any edition with clients.

NEXT STEP

Book a 30-minute call:
ulyxadvisory.com/book

WHO DOES WHAT

Ulyx builds the inventories, registers, workflows and assessment files. Your counsel decides whether the law applies, what the notice says, and whether the assessments are sufficient.

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Medical & dental edition · Nov 2026 · statute current through Sept 28, 2026