WEST VIRGINIA CODE: §47-28-4

§47-28-4. Wrongful use or disclosure of protected health information for solicitation of legal services regarding the use of medications.

(a) *Use or disclosure of protected health information for legal solicitation.* — A person shall not use, cause to be used, obtain, sell, transfer, or disclose to another person without written authorization protected health information for the purpose of soliciting an individual for legal services regarding the use of medications.

(b) *Enforcement*. —

(1) A violation of this section is a violation of West Virginia's health privacy laws or §46A-6-101 *et seq*. of this code.

(2) In addition to any other remedy provided by law, a person who willfully and knowingly violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or confined in jail not more than one year, or both fined and confined.

(c) *Construction.* — This section does not apply to the use or disclosure of protected health information to an individual's legal representative, in the course of any judicial or administrative proceeding, or as otherwise permitted or required by law.

(d) Nothing in this section creates or implies liability on behalf of a broadcaster who holds a license for over-the-air terrestrial broadcasting from the federal communications commission, or against a cable operator as defined in 47 U.S.C. §522(5).

WV Legislature