

~~[(g)]~~ ~~(H)~~ (1) Notwithstanding the provisions of Title 4, Subtitle 3 of this article, the medical records, including any physician order for an HIV test or the results of an HIV test conducted under this section, may not be documented in the medical record of the patient, health care provider, ~~or~~ first responder, OR PUBLIC SAFETY WORKER.

(2) The hospital where the exposure occurred shall maintain a separate confidential record or incident report for all HIV tests conducted under this section.

(3) Each hospital shall adopt procedures for the confidential HIV testing of blood samples or other body fluids used or collected for purposes of this section.

(4) Except as provided in paragraph (5) of this subsection, the medical records, including any physician order for an HIV test or the results of any HIV test conducted under this section, are:

(i) Confidential; and

(ii) Not discoverable or admissible in evidence in any criminal, civil, or administrative action.

(5) If the identity of the patient or any other information that could be readily associated with the identity of the patient is not disclosed, the results of an HIV test conducted on a patient for purposes of this section may be introduced into evidence in any criminal, civil, or administrative action including the adjudication of a workers' compensation claim.

~~[(h)]~~ ~~(I)~~ The costs incurred in performing an HIV test on a patient in accordance with the provisions of this section shall be paid by the hospital.

~~[(i)]~~ ~~(J)~~ Each hospital shall develop written procedures to implement the provisions of this section.

~~[(j)]~~ ~~(K)~~ A health care provider, first responder, PUBLIC SAFETY WORKER or hospital or designee of a hospital acting in good faith to provide notification or maintain the confidentiality of the results of a test conducted under this section may not be held liable in any cause of action related to a breach of patient, health care provider, ~~or~~ first responder, OR PUBLIC SAFETY WORKER confidentiality.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems jointly shall develop regulations establishing procedures to collect information by county on exposures, as defined by § 18-338.3(a) of the Health - General Article, and refusals to consent by a patient, as described in § 18-338.3(b)(2)(ii) of the Health - General Article, as enacted by Section 1 of this Act.

(b) The Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems shall report the information described in subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on or before the following dates:

(1) December 1, 2005;