

2. The certificate [shall]:

A. [Notify] NOTIFIES the recipient or the person in interest that disclosure of the recipient's medial record is sought;

B. [Notify] NOTIFIES the recipient or the person in interest of the provisions of this subsection or any other provision of law on which the requesting party relies in seeking disclosure of the information;

C. [Notify] NOTIFIES the recipient or the person in interest of the procedure for filing a motion to quash or a motion for a protective order;

D. [Be] IS attached to a copy of the request for issuance of a compulsory process or request for discovery; and

E. [Be] IS mailed to the recipient, the person in interest, or counsel for the recipient or person in interest by certified mail, return receipt requested, on or before the date of filing the request for issuance of compulsory process or the request for discovery;

(vi) [1.] In accordance with a subpoena for medical records on specific recipients:

[A.] 1. To health professional licensing and disciplinary boards for the sole purpose of an investigation regarding licensure, certification, or discipline of a health professional or the improper practice of a health profession; and

[B.] 2. To grand juries, prosecution agencies, and law enforcement agencies under the supervision of prosecution agencies for the sole purposes of investigation and prosecution of a provider for theft and fraud, related offenses, obstruction of justice, perjury, unlawful distribution of controlled substances, and of any criminal assault, neglect, patient abuse or sexual offense committed by the provider against a recipient, provided that the prosecution or law enforcement agency shall:

[i.] A. Have written procedures which shall be developed in consultation with the director to maintain the medical records in a secure manner so as to protect the confidentiality of the records; and

[ii.] B. In a criminal proceeding against a provider, to the maximum extent possible, remove and protect recipient identifying information from the medical records used in the proceeding;

[2. If a recipient believes that a medical record has been inappropriately obtained, maintained, or disclosed under the provisions of this subparagraph, the recipient may petition the State prosecutor for an investigation of the allegation; and

3. Except in a proceeding relating to payment for the health care of a recipient, the medical record of a recipient and any information obtained as a result of a disclosure under this subparagraph is disclosable, notwithstanding any privilege in law, but may not be used in any proceeding against the recipient;] or