

(6) (I) ~~It~~ SUBJECT TO THE ADDITIONAL LIMITATIONS FOR A MEDICAL RECORD DEVELOPED PRIMARILY IN CONNECTION WITH THE PROVISION OF MENTAL HEALTH SERVICES IN § 4-307 OF THIS SUBTITLE AND EXCEPT AS OTHERWISE PROVIDED IN ~~ITEM~~ ITEMS (2), (7), AND (8) OF THIS SUBSECTION, IN accordance with compulsory process, IF THE SUBPOENA, SUMMONS, WARRANT, OR COURT ORDER CONTAINS A CERTIFICATION THAT:

1. A COPY OF THE SUBPOENA, SUMMONS, WARRANT, OR COURT ORDER HAS BEEN SERVED ON THE PERSON WHOSE RECORDS ARE SOUGHT BY THE PARTY SEEKING THE DISCLOSURE OR PRODUCTION OF THE RECORDS; OR

2. SERVICE OF THE SUBPOENA, SUMMONS, WARRANT, OR COURT ORDER HAS BEEN WAIVED BY THE COURT FOR GOOD CAUSE;

[a] (II) A stipulation by a patient or person in interest [,]; or

[a] (III) A discovery request permitted by law to be made to a court, an administrative tribunal, or a party to a civil court, administrative, or health claims arbitration proceeding;

(7) TO GRAND JURIES, PROSECUTION AGENCIES, LAW ENFORCEMENT AGENCIES OR THEIR AGENTS OR EMPLOYEES TO FURTHER AN INVESTIGATION OR PROSECUTION, PURSUANT TO A SUBPOENA, WARRANT, OR COURT ORDER FOR THE SOLE PURPOSES OF INVESTIGATING AND PROSECUTING CRIMINAL ACTIVITY, PROVIDED THAT THE PROSECUTION AGENCIES AND LAW ENFORCEMENT AGENCIES HAVE WRITTEN PROCEDURES TO PROTECT THE CONFIDENTIALITY OF THE RECORDS; OR

(8) TO THE MARYLAND INSURANCE ADMINISTRATION WHEN CONDUCTING AN INVESTIGATION OR EXAMINATION PURSUANT TO TITLE 2, SUBTITLE 2 OF THE INSURANCE ARTICLE, PROVIDED THAT THE INSURANCE ADMINISTRATION HAS WRITTEN PROCEDURES TO MAINTAIN THE CONFIDENTIALITY OF THE RECORDS.

[(b)] (C) When a disclosure is sought under this section:

(1) A written request for disclosure or written confirmation by the health care provider of an oral request that justifies the need for disclosure shall be inserted in the medical record of the patient or recipient; and

(2) Documentation of the disclosure shall be inserted in the medical record of the patient or recipient.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

Approved April 29, 1997.