

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;

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(a) (1) In this section the following words have the meanings indicated.

(2) "Case management" means an individualized recipient centered service designed to assist a recipient in obtaining effective mental health services through the assessing, planning, coordinating, and monitoring of services on behalf of the recipient.

(3) "Core service agency" means an organization approved by the Mental Hygiene Administration to manage mental health resources and services in a designated area or to a designated target population.

(4) "Director" means the Director of the Mental Hygiene Administration or the designee of the Director.

(5) "Mental health director" means the health care professional who performs the functions of a clinical director or the designee of that person in a health care, detention, or correctional facility.

(6) (I) "PERSONAL NOTE" MEANS INFORMATION THAT IS:

1. THE WORK PRODUCT AND PERSONAL PROPERTY OF A MENTAL HEALTH PROVIDER; AND

2. EXCEPT AS PROVIDED IN SUBSECTION (D)(3) OF THIS SECTION, NOT DISCOVERABLE OR ADMISSIBLE AS EVIDENCE IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION.

(II) EXCEPT AS PROVIDED IN SUBSECTION (D)(2) OF THIS SECTION, A MEDICAL RECORD DOES NOT INCLUDE A PERSONAL NOTE OF A MENTAL HEALTH CARE PROVIDER, IF THE MENTAL HEALTH CARE PROVIDER:

1. KEEPS THE PERSONAL NOTE IN THE MENTAL HEALTH CARE PROVIDER'S SOLE POSSESSION FOR THE PROVIDER'S OWN PERSONAL USE;

2. MAINTAINS THE PERSONAL NOTE SEPARATE FROM THE RECIPIENT'S MEDICAL RECORDS; AND

3. DOES NOT DISCLOSE THE PERSONAL NOTE TO ANY OTHER PERSON EXCEPT:

A. THE MENTAL HEALTH PROVIDER'S SUPERVISING HEALTH CARE PROVIDER THAT MAINTAINS THE CONFIDENTIALITY OF THE PERSONAL NOTE;

B. A CONSULTING HEALTH CARE PROVIDER THAT MAINTAINS THE CONFIDENTIALITY OF THE PERSONAL NOTE; OR