

C. AN ATTORNEY OF THE HEALTH CARE PROVIDER THAT MAINTAINS THE CONFIDENTIALITY OF THE PERSONAL NOTE.

(III) "PERSONAL NOTE" DOES NOT INCLUDE INFORMATION CONCERNING THE PATIENT'S DIAGNOSIS, TREATMENT PLAN, SYMPTOMS, PROGNOSIS, OR PROGRESS NOTES.

(b) The disclosure of a medical record developed in connection with the provision of mental health services shall be governed by the provisions of this section in addition to the other provisions of this subtitle.

(c) When a medical record developed in connection with the provision of mental health services is disclosed without the authorization of a person in interest, only the information in the record relevant to the purpose for which disclosure is sought may be released.

(D) (1) TO THE EXTENT A MENTAL HEALTH CARE PROVIDER DETERMINES IT NECESSARY AND APPROPRIATE, THE MENTAL HEALTH CARE PROVIDER MAY MAINTAIN A PERSONAL NOTE REGARDING A RECIPIENT.

(2) A PERSONAL NOTE SHALL BE CONSIDERED PART OF A RECIPIENT'S MEDICAL RECORDS IF, AT ANY TIME, A MENTAL HEALTH CARE PROVIDER DISCLOSES A PERSONAL NOTE TO:

- ⊕ A PERSON OTHER THAN:
 - (I) THE PROVIDER'S SUPERVISING HEALTH CARE PROVIDER;
 - (II) A CONSULTING HEALTH CARE PROVIDER;
 - (III) AN ATTORNEY OF THE HEALTH CARE PROVIDER; OR
 - (IV) A RECIPIENT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) THE PROVISIONS OF THIS SUBSECTION DO NOT PROHIBIT THE DISCLOSURE, DISCOVERY, OR ADMISSIBILITY OF A PERSONAL NOTE REGARDING A RECIPIENT WHO HAS INITIATED AN ACTION FOR MALPRACTICE, AN INTENTIONAL TORT, OR PROFESSIONAL NEGLIGENCE AGAINST THE HEALTH CARE PROVIDER.

(E) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (3), (4), AND (5) OF THIS SUBSECTION, IF THE DISCLOSURE OF A PORTION OF A MEDICAL RECORD RELATING TO A PSYCHOLOGICAL TEST WOULD COMPROMISE THE OBJECTIVITY OR FAIRNESS OF THE TEST OR THE TESTING PROCESS, A MENTAL HEALTH CARE PROVIDER MAY NOT DISCLOSE THAT PORTION OF THE MEDICAL RECORD TO ANY PERSON, INCLUDING A SUBJECT OF THE TEST.

(2) THE RAW TEST DATA RELATING TO A PSYCHOLOGICAL TEST IS ONLY DISCOVERABLE OR ADMISSIBLE AS EVIDENCE IN A CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION ON THE DETERMINATION BY THE COURT OR ADMINISTRATIVE HEARING OFFICER THAT THE EXPERT WITNESS FOR THE PARTY SEEKING THE RAW TEST DATA IS QUALIFIED BY THE APPROPRIATE TRAINING, EDUCATION, OR EXPERIENCE TO INTERPRET THE RESULTS OF THAT PORTION OF THE RAW TEST DATA RELATING TO THE PSYCHOLOGICAL TEST.