

(3) (I) A RECIPIENT WHO HAS BEEN THE SUBJECT OF A PSYCHOLOGICAL TEST MAY DESIGNATE A PSYCHOLOGIST LICENSED UNDER TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE OR A PSYCHIATRIST LICENSED UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO WHOM A HEALTH CARE PROVIDER MAY DISCLOSE THE MEDICAL RECORD.

(II) THE RECIPIENT SHALL:

1. REQUEST THE DISCLOSURE AUTHORIZED UNDER THIS PARAGRAPH IN WRITING; AND

2. COMPLY WITH THE PROVISIONS OF § 4-304 OF THIS SUBTITLE.

(4) A HEALTH CARE PROVIDER MAY DISCLOSE A MEDICAL RECORD RELATING TO A PSYCHOLOGICAL TEST AS PROVIDED UNDER § 4-305(B)(2)(I) OF THIS SUBTITLE.

(5) THE PROVISIONS OF THIS SUBSECTION MAY NOT RESTRICT ACCESS TO OR AFFECT THE DISCLOSURE OF A MEDICAL RECORD WHICH IS ALSO AN EDUCATION RECORD UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT, THE FEDERAL FAMILY EDUCATION RIGHTS AND PRIVACY ACT, OR ANY FEDERAL AND STATE REGULATIONS THAT HAVE BEEN ADOPTED TO IMPLEMENT THOSE LAWS.

(F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A PERSON IN INTEREST SHALL HAVE THE RIGHT TO OBTAIN A MEDICAL RECORD OF A RECIPIENT THAT IS DEVELOPED IN CONJUNCTION WITH A MENTAL HEALTH EVALUATION RELATING TO OBTAINING OR CONTINUING EMPLOYMENT, IF THE EVALUATION HAS BEEN PERFORMED AT THE REQUEST OF OR ON BEHALF OF AN EMPLOYER OR PROSPECTIVE EMPLOYER:

(1) IN CONNECTION WITH A CIVIL ACTION OR U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION COMPLAINT INITIATED BY THE PERSON IN INTEREST; OR

(2) ON A WRITTEN AUTHORIZATION OF THE EMPLOYER OR PROSPECTIVE EMPLOYER.

~~4-309.~~

~~(e) (1) A health care provider or any other person, including an officer or employee of a governmental unit, who knowingly and willfully requests or obtains a medical record under false pretenses or through deception or knowingly and willfully discloses a medical record in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to the following penalties:~~

~~(i) A fine not exceeding \$50,000, imprisonment for not more than 1 year, or both;~~

~~(ii) If the offense is committed under false pretenses, a fine not exceeding \$100,000, imprisonment for not more than 5 years, or both; and~~