

~~(D)~~ (E) WHEN THE DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER OBTAINS THE RESULTS OF AN HIV TEST CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION ~~(C)~~ (D) OF THIS SECTION, THE DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER SHALL DIRECTLY NOTIFY THE PATIENT OF THE RESULTS OF THE HIV TEST AND, TO THE EXTENT POSSIBLE, IN A MANNER THAT WILL PROTECT THE CONFIDENTIALITY OF THE HEALTH CARE PROVIDER OR THE FIRST RESPONDER AND THE PATIENT.

~~(E)~~ (F) IF THE RESULTS OF AN HIV TEST CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION ~~(C)~~ (D) OF THIS SECTION ARE POSITIVE, THE DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER SHALL PROVIDE OR ARRANGE FOR THE PROVISION OF APPROPRIATE COUNSELING AND TREATMENT RECOMMENDATIONS TO THE HEALTH CARE PROVIDER OR FIRST RESPONDER AND THE PATIENT.

~~(F)~~ (G) (1) NOTWITHSTANDING THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THIS ARTICLE, THE MEDICAL RECORDS, INCLUDING ANY PHYSICIAN ORDER FOR AN HIV TEST OR THE RESULTS OF AN HIV TEST CONDUCTED UNDER THIS SECTION, MAY NOT BE DOCUMENTED IN THE MEDICAL RECORD OF THE PATIENT ~~OR~~, HEALTH CARE PROVIDER, OR FIRST RESPONDER.

(2) THE HOSPITAL WHERE THE EXPOSURE OCCURRED SHALL MAINTAIN A SEPARATE CONFIDENTIAL RECORD OR INCIDENT REPORT FOR ALL HIV TESTS CONDUCTED UNDER THIS SECTION.

(3) EACH HOSPITAL SHALL ADOPT PROCEDURES FOR THE CONFIDENTIAL HIV TESTING OF BLOOD SAMPLES OR OTHER BODY FLUIDS USED OR COLLECTED FOR PURPOSES OF THIS SECTION.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE MEDICAL RECORDS, INCLUDING ANY PHYSICIAN ORDER FOR AN HIV TEST OR THE RESULTS OF ANY HIV TEST CONDUCTED UNDER THIS SECTION, ARE:

(I) CONFIDENTIAL; AND

(II) NOT DISCOVERABLE OR ADMISSIBLE IN EVIDENCE IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION.

(5) IF THE IDENTITY OF THE PATIENT OR ANY OTHER INFORMATION THAT COULD BE READILY ASSOCIATED WITH THE IDENTITY OF THE PATIENT IS NOT DISCLOSED, THE RESULTS OF AN HIV TEST CONDUCTED ON A PATIENT FOR PURPOSES OF THIS SECTION MAY BE INTRODUCED INTO EVIDENCE IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION INCLUDING THE ADJUDICATION OF A WORKERS' COMPENSATION CLAIM.

~~(G)~~ (H) THE COSTS INCURRED IN PERFORMING AN HIV TEST ON A PATIENT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL BE PAID BY THE HOSPITAL.

~~(H)~~ (I) EACH HOSPITAL SHALL DEVELOP WRITTEN PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.