

[(g)] (H) The Secretary, a health officer, or an agent of the Secretary or health officer may discuss a laboratory report with the attending physician, but, if the physician is reasonably available, may communicate with a patient only with the consent of the attending physician.

[(h)] (I) (1) All laboratory reports required under this section are:

- (i) Confidential;
- (ii) Not open to public inspection; and
- (iii) Subject to subpoena or discovery in a criminal or civil proceeding only pursuant to a court order sealing the court record.

(2) This subsection does not apply to a disclosure by the Secretary to another governmental agency performing its lawful duties as authorized by an act of the Maryland General Assembly or the United States Congress where the Secretary determines that:

- (i) The agency to whom the information is disclosed will maintain the confidentiality of the disclosure; and
- (ii) The disclosure is necessary to protect the public health or to prevent the spread of an infectious or contagious disease.

[(i)] (J) To assure compliance with this section, the Secretary, a health officer, or an agent of the Secretary or health officer may inspect pertinent laboratory records.

[(j)] (K) (1) Except as provided in paragraph (2) of this subsection, a director of a medical laboratory, the Secretary, a health officer, or an agent of the director, Secretary, or health officer may compile or distribute a reproducible list of any of the names of patients that are in reports required under this section.

(2) A director of a medical laboratory, the Secretary, a health officer, or an agent of the director, Secretary, or health officer may not compile or distribute a reproducible list of any of the names of patients in reports relating to human immunodeficiency virus infection or CD 4+ count, if less than 200/MM3.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

Approved May 11, 2004.

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