

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE RECORDS, INCLUDING ANY PHYSICIAN ORDER FOR AN HIV TEST OR THE RESULTS, OF ANY HIV TEST PERFORMED ON A BLOOD SAMPLE OF A PATIENT OR HEALTH CARE PROVIDER IN ACCORDANCE WITH THE PROVISIONS OF 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 PERFORMED ON A PATIENT OR HEALTH CARE PROVIDER IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION MAY BE INTRODUCED INTO EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION INCLUDING THE ADJUDICATION OF A WORKERS' COMPENSATION CLAIM.

~~(H)~~ (I) THE COSTS INCURRED IN PERFORMING AN HIV TEST ON A PATIENT OR HEALTH CARE PROVIDER IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL BE PAID BY THE HEALTH CARE FACILITY.

~~(J)~~ (J) ALL HEALTH CARE FACILITIES SHALL DEVELOP WRITTEN PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

~~(K)~~ (K) A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY ACTING IN GOOD FAITH TO PROVIDE NOTIFICATION OR MAINTAIN THE CONFIDENTIALITY OF THE RESULTS OF A TEST FOR THE PRESENCE OF HIV IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION MAY NOT BE HELD LIABLE IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE CAUSE OF ACTION RELATED TO A BREACH OF PATIENT OR HEALTH CARE PROVIDER CONFIDENTIALITY.

(L) (1) THE MEDICAL AND CHIRURGICAL FACULTY IN CONSULTATION WITH THE CENTERS FOR DISEASE CONTROL AND, THE MARYLAND HOSPITAL ASSOCIATION, AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP A PRACTICE PROTOCOL FOR PHYSICIANS WHO ARE INFECTED WITH HIV.

(2) THIS PRACTICE PROTOCOL SHALL BE REPORTED, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON DECEMBER 2, 1991.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.