

~~(g) If the results of a test for the presence of HIV that was conducted in accordance with the provisions of subsection (d) of this section are positive, a physician or the physician's designee shall provide or arrange for the provision of appropriate counseling to the health care provider and the patient.~~

~~(h) (1) Notwithstanding the provisions of Subtitle 3 of Title 4 of this article, the records, including any physician order for an HIV test or the results of a HIV test performed on a blood sample of a patient or a health care provider in accordance with the provisions of this section may not be documented in the medical record of the patient or health care provider.~~

~~(2) The health care facility shall maintain a separate confidential record or incident report for all HIV tests performed on a blood sample of a patient or health care provider in accordance with the provisions of this section.~~

~~(3) The health care facility shall adopt procedures for the confidential testing of blood samples obtained in accordance with the provisions of this section.~~

~~(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 criminal, civil, or administrative action including the adjudication of a workers' compensation claim.~~

~~(6) NOTWITHSTANDING THE PROVISIONS OF §§ 18-201, 18-202 AND 18-205 OF THIS TITLE, THE IDENTITY OF THE PATIENT MAY NOT BE REVEALED IN ANY REPORT SUBMITTED TO THE DEPARTMENT RELATING TO ANY TEST PERFORMED UNDER THIS SECTION.~~

~~(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) All health care facilities shall develop written procedures to implement the provisions of this section.~~

~~(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 cause of action related to a breach of patient or health care provider confidentiality.~~