

# SENATE BILL 807

R4

4r1824  
CF 4r2557

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By: **Senator Raskin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

AN ACT concerning

### **Drivers' Licenses – Disorder, Disease, or Physical Disability – Identification, Disclosure, and Reporting**

FOR the purpose of expanding the requirements for renewing a driver's license to include the written disclosure of a certain disorder, disease, or physical disability; requiring the Department of Health and Mental Hygiene, the Medical and Chirurgical Faculty, and the State Board of Examiners in Optometry to define diseases and physical disabilities that may render an individual unable to exercise reasonable control over a motor vehicle; expanding the scope of health care professionals authorized to make a certain report to the Medical Advisory Board and to the subject of the report; prohibiting a psychiatrist, licensed psychologist, or psychiatric-mental health nursing specialist from making a certain report under certain circumstances unless authorized by a certain person in writing; requiring the Motor Vehicle Administration to adopt regulations identifying any disorder, disease, or physical disability that may impair an individual's ability to drive; requiring the Administration to require that an applicant for the renewal of a driver's license disclose certain information; requiring the Administration to provide an applicant for the renewal of a driver's license with a list of disorders, diseases, and physical disabilities required to be disclosed; defining a certain term; and generally relating to the identification, disclosure, and reporting of disorders, diseases, or physical disabilities that may impair an individual's ability to drive.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 9–109(a)(2) and (4) and (b) and 9–109.1(a)(1) and (4) and (b)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 16–115(a)(3) and 16–119  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

9–109.

(a) (2) “Licensed psychologist” means a person who is licensed to practice psychology under the laws of Maryland.

(4) “Psychiatrist” means a person licensed to practice medicine who devotes a substantial proportion of his time to the practice of psychiatry.

(b) Unless otherwise provided, in all judicial, legislative, or administrative proceedings, a patient or the patient’s authorized representative has a privilege to refuse to disclose, and to prevent a witness from disclosing:

(1) Communications relating to diagnosis or treatment of the patient;  
or

(2) Any information that by its nature would show the existence of a medical record of the diagnosis or treatment.

9–109.1.

(a) (1) In this section the following words have the meanings indicated.

(4) “Psychiatric–mental health nursing specialist” means a registered nurse who:

(i) Has a master’s degree in psychiatric–mental health nursing;  
or

(ii) Has a baccalaureate degree in nursing and a master’s degree in a mental health field; or

(iii) Is certified as a clinical specialist in psychiatric and mental health nursing by the American Nurses’ Association or by a body approved by the Board of Nursing.

(b) Unless otherwise provided, in any judicial, legislative, or administrative proceeding, a client or a client’s authorized representative has a privilege to refuse to disclose, and to prevent a witness from disclosing, communications relating to:

- (1) Diagnosis or treatment of the client; or
- (2) Any information that by its nature would show a medical record of the diagnosis or treatment exists.

### **Article – Transportation**

16–115.

(a) (3) A license is renewable on the presentation of an application, the payment of the renewal fee required by § 16–111.1 of this subtitle, **THE WRITTEN DISCLOSURE OF A DISORDER, DISEASE, OR PHYSICAL DISABILITY REQUIRED UNDER § 16–119(H) OF THIS SUBTITLE**, and satisfactory completion of the examination required or authorized by subsection (i) of this section:

- (i) Within 6 months before its expiration; or
- (ii) When a driver qualifies for a corrected license issued under § 16–114.1(c) of this subtitle.

16–119.

**(A) IN THIS SECTION, “HEALTH CARE PROFESSIONAL” MEANS:**

- (1) A PHYSICIAN;**
- (2) A PHYSICIAN ASSISTANT;**
- (3) A NURSE;**
- (4) A NURSE PRACTITIONER;**
- (5) A SOCIAL WORKER;**
- (6) A LICENSED PSYCHOLOGIST, AS DEFINED IN § 9–109 OF THE COURTS ARTICLE;**
- (7) A PSYCHIATRIST, AS DEFINED IN § 9–109 OF THE COURTS ARTICLE;**
- (8) A PSYCHIATRIC–MENTAL HEALTH NURSING SPECIALIST, AS DEFINED IN § 9–109.1 OF THE COURTS ARTICLE;**
- (9) A PHARMACIST;**

**(10) AN EMERGENCY MEDICAL SERVICE EMPLOYEE;**

**(11) A PARAMEDIC; OR**

**(12) ANOTHER ALLIED HEALTH PROFESSIONAL.**

**[(a)] (B)** The Department of Health and Mental Hygiene, together with the Medical and Chirurgical Faculty and the State Board of Examiners in Optometry, shall define:

(1) Disorders characterized by lapses of consciousness; **[and]**

(2) Disorders that result in a corrected visual acuity that fails to comply with the vision requirements of this subtitle; **AND**

**(3) OTHER DISEASES OR PHYSICAL DISABILITIES THAT MAY RENDER AN INDIVIDUAL UNABLE TO EXERCISE REASONABLE CONTROL OVER A MOTOR VEHICLE.**

**[(b)] (C)** (1) Except as provided in paragraph (2) of this subsection, any **[physician and any other person authorized to diagnose, detect, or treat disorders defined under subsection (a) of this section]** **HEALTH CARE PROFESSIONAL** may report **A DISORDER, DISEASE, OR PHYSICAL DISABILITY THAT IS DEFINED UNDER SUBSECTION (B) OF THIS SECTION** to the Medical Advisory Board and to the subject of the report, in writing, the full name, date of birth, and address of each individual 15 years old or older who has any such disorder.

(2) Unless authorized by the individual in writing, a report may not be made **BY A PSYCHIATRIST, LICENSED PSYCHOLOGIST, OR PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST** from information derived from the diagnosis or treatment of any individual on whom a confidential or privileged relationship **[is conferred by law]** **EXISTS UNDER §§ 9-109 AND 9-109.1 OF THE COURTS ARTICLE.**

**[(c)] (D)** On receipt of a report under this section, the Administration shall:

(1) As soon as practicable, arrange for an examination of each reported individual who holds a driver's license; and

(2) If the individual fails to meet the requirements of this subtitle, cancel his license.

**[(d)] (E)** (1) Except as provided in paragraph (2) of this subsection, the reports made to the Administration under this section:

- (i) Are confidential;
- (ii) May be disclosed only on court order; and
- (iii) May be used only to determine the qualifications of an individual to drive.

(2) The Administration may use information in the reports it receives for the purpose of driver safety research, provided that personal information is not published or disclosed.

(3) The Administration may contract with third parties to assist with driver safety research.

(4) A person may not use these reports for any other purpose.

**[(e)] (F)** A civil or criminal action may not be brought against any person who makes a report under this section and who does not violate any confidential or privileged relationship conferred by law.

**[(f)] (G)** A report made under this section may not be used as evidence in any civil or criminal trial, except in a legal action involving an alleged violation of a confidential or privileged relationship conferred by law.

**(H) THE ADMINISTRATION SHALL:**

**(1) ADOPT REGULATIONS IDENTIFYING ANY DISORDER, DISEASE, OR PHYSICAL DISABILITY THAT MAY IMPAIR AN INDIVIDUAL'S ABILITY TO DRIVE;**

**(2) REQUIRE AN APPLICANT FOR THE RENEWAL OF A DRIVER'S LICENSE TO DISCLOSE IN WRITING ANY DISORDER, DISEASE, OR PHYSICAL DISABILITY THAT MAY IMPAIR THE APPLICANT'S ABILITY TO DRIVE; AND**

**(3) PROVIDE AN APPLICANT FOR THE RENEWAL OF A DRIVER'S LICENSE WITH THE LIST OF DISORDERS, DISEASES, OR PHYSICAL DISABILITIES THAT THE APPLICANT IS REQUIRED TO DISCLOSE UNDER ITEM (2) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.