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**By: Delegates Morhaim and Nathan-Pulliam**

Introduced and read first time: January 17, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Practitioners - Reports of Blood Alcohol Concentration - Vehicle Operators**

3 FOR the purpose of authorizing certain health care practitioners to report certain test  
4 results from certain individuals to a law enforcement individual or agency; requiring  
5 the report to contain certain information; providing certain health care practitioners  
6 with certain immunity relating to reports under this Act, proceedings, and  
7 provisions of law; defining certain terms; and generally relating to the reporting of  
8 test results indicating intoxication in certain vehicle operators.

9 BY adding to

10 Article - Courts and Judicial Proceedings  
11 Section 5-363.1  
12 Annotated Code of Maryland  
13 (1995 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Health - General  
16 Section 4-301(g) and (h) and 4-302(a)  
17 Annotated Code of Maryland  
18 (1994 Replacement Volume and 1996 Supplement)

19 BY adding to

20 Article - Health - General  
21 Section 20-501 through 20-503, inclusive, to be under the new subtitle "Subtitle 5.  
22 Health Care Workers - Reporting of Blood Alcohol Concentration Test  
23 Results"  
24 Annotated Code of Maryland  
25 (1996 Replacement Volume and 1996 Supplement)

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

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1           **Article - Courts and Judicial Proceedings**

2 5-363.1.

3           A HEALTH CARE PRACTITIONER WHO ACTS IN GOOD FAITH IS IMMUNE FROM  
4 ANY CIVIL OR ADMINISTRATIVE LIABILITY FOR:

5                   (1) MAKING OR PARTICIPATING IN THE MAKING OF A REPORT UNDER §  
6 20-502 OF THE HEALTH - GENERAL ARTICLE;

7                   (2) PARTICIPATING IN AN INVESTIGATION ARISING OUT OF A REPORT  
8 UNDER § 20-502 OF THE HEALTH - GENERAL ARTICLE; OR

9                   (3) PARTICIPATING IN A JUDICIAL PROCEEDING ARISING OUT OF A  
10 REPORT UNDER § 20-502 OF THE HEALTH - GENERAL ARTICLE.

11           **Article - Health - General**

12 4-301.

13           (g) (1) "Medical record" means any oral, written, or other transmission of  
14 information that:

15                   (i) Is written in the record of a patient or recipient;

16                   (ii) Identifies or can readily be associated with the identity of a patient  
17 or recipient; and

18                   (iii) Relates to the health care of the patient or recipient.

19                   (2) "Medical record" includes any documentation of disclosures of a  
20 medical record to any person who is not an employee, agent, or consultant of the health  
21 care provider.

22                   (3) "Medical record" includes any file or record maintained under § 12-505  
23 of the Health Occupations Article by a pharmacy of a prescription order for drugs,  
24 medicines, or devices that identifies or may be readily associated with the identity of a  
25 patient.

26           (h) (1) "Health care provider" means:

27                   (i) A person who is licensed, certified, or otherwise authorized under  
28 the Health Occupations Article to provide health care in the ordinary course of business  
29 or practice of a profession or in an approved education or training program; or

30                   (ii) A facility where health care is provided to patients or recipients,  
31 including a facility as defined in § 10-101(e) of this article, a hospital as defined in §  
32 19-301(e) of this article, a related institution as defined in § 19-301(l) of this article, a  
33 health maintenance organization as defined in § 19-701(e) of this article, an outpatient  
34 clinic, and a medical laboratory.

35                   (2) "Health care provider" includes the agents, employees, officers, and  
36 directors of a facility and the agents and employees of a health care provider.

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1 4-302.

2 (a) A health care provider shall:

3 (1) Keep the medical record of a patient or recipient confidential; and

4 (2) Disclose the medical record only:

5 (i) As provided by this subtitle; or

6 (ii) As otherwise provided by law.

7 SUBTITLE 5. HEALTH CARE WORKERS - REPORTING OF BLOOD ALCOHOL  
8 CONCENTRATION TEST RESULTS.

9 20-501.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (B) "HEALTH CARE PRACTITIONER" MEANS A PHYSICIAN OR REGISTERED  
13 NURSE.

14 (C) "HEALTH CARE SERVICE" MEANS ANY HEALTH OR MEDICAL CARE  
15 PROCEDURE OR SERVICE RENDERED BY A HEALTH CARE PRACTITIONER THAT:

16 (1) PROVIDES TESTING, DIAGNOSIS, OR TREATMENT OF HUMAN  
17 DISEASE OR DYSFUNCTION; OR

18 (2) DISPENSES DRUGS, MEDICAL DEVICES, MEDICAL APPLIANCES, OR  
19 MEDICAL GOODS FOR THE TREATMENT OF HUMAN DISEASE OR DYSFUNCTION.

20 20-502.

21 (A) A HEALTH CARE PRACTITIONER WHO PROVIDES HEALTH CARE SERVICE  
22 IMMEDIATELY AFTER A VEHICLE ACCIDENT TO AN INDIVIDUAL REASONABLY  
23 BELIEVED TO BE THE OPERATOR OF A VEHICLE INVOLVED IN THE ACCIDENT, AS  
24 SOON AS IS REASONABLY POSSIBLE, MAY REPORT TO A LAW ENFORCEMENT  
25 OFFICER OR AGENCY, THE RESULTS OF A BLOOD ALCOHOL CONCENTRATION TEST  
26 PERFORMED ON THE INDIVIDUAL IN THE COURSE OF PROVIDING HEALTH CARE  
27 SERVICE TO THE INDIVIDUAL.

28 (B) THE REPORT SHALL CONSIST OF THE NAME OF THE INDIVIDUAL BEING  
29 CARED FOR, THE BLOOD ALCOHOL CONCENTRATION DISCLOSED BY THE TEST, AND  
30 THE DATE AND TIME OF THE ADMINISTRATION OF THE TEST.

31 20-503.

32 A HEALTH CARE PRACTITIONER SHALL HAVE THE IMMUNITY FROM LIABILITY  
33 DESCRIBED UNDER § 5-363.1 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE  
34 FOR:

35 (1) MAKING OR PARTICIPATING IN THE MAKING OF A REPORT UNDER  
36 THIS SUBTITLE;

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1                   (2) PARTICIPATING IN AN INVESTIGATION ARISING OUT OF A REPORT  
2 UNDER THIS SUBTITLE; OR

3                   (3) PARTICIPATING IN A JUDICIAL PROCEEDING ARISING OUT OF A  
4 REPORT UNDER THIS SUBTITLE.

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1997.