
By: Delegate Barve

Introduced and read first time: January 29, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 Drivers' Licenses - Medical Advisory Board - Disclosure of Records and Reports

3 FOR the purpose of requiring the disclosure to a certain individual under certain
4 circumstances of certain medical records of the Medical Advisory Board of the
5 Motor Vehicle Administration used to determine the qualifications of a certain
6 individual to drive; requiring the disclosure to a certain individual under certain
7 circumstances of certain reports made by a certain person if the reports are used to
8 determine the qualifications of a certain individual to drive; making stylistic
9 changes; and generally relating to the disclosure of certain records and reports that
10 are used to determine the qualifications of a certain individual to drive.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-118 and 16-119
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1996 Supplement)

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

18 Article - Transportation

19 16-118.

20 (a) (1) The Administrator may appoint a Medical Advisory Board of qualified
21 physicians and optometrists to enable the Administration to comply properly with the
22 provisions of this title regarding the physical and mental condition of individuals who seek
23 to drive on highways in [this] THE State.

24 (2) The Administrator also may appoint a medical secretary to serve the
25 Board.

26 (b) Each member of the Medical Advisory Board is entitled to compensation for
27 each meeting that the member attends. The compensation shall be paid out of funds
28 appropriated to the Administration.

29 (c) (1) The Administrator may refer to the Medical Advisory Board, for an
30 advisory opinion, the case of any licensee or applicant for a license, if the Administrator

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1 has good cause to believe that the driving of a vehicle by [him] THE INDIVIDUAL would
2 be contrary to public safety and welfare because of an existing or suspected mental or
3 physical disability.

4 (2) The Board shall meet at the pleasure of the Administrator.

5 (d) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
6 SUBSECTION, THE records of the Medical Advisory Board:

7 (i) Are confidential;

8 (ii) May be disclosed only on court order; and

9 (iii) May be used only to determine the qualifications of an individual
10 to drive.

11 (2) A person may not use these records for any other purpose.

12 (3) MEDICAL RECORDS USED BY THE BOARD TO DETERMINE THE
13 QUALIFICATIONS OF AN INDIVIDUAL TO DRIVE SHALL BE DISCLOSED TO THE
14 INDIVIDUAL OR THE INDIVIDUAL'S ATTORNEY ON REQUEST OF THE INDIVIDUAL
15 OR THE INDIVIDUAL'S ATTORNEY.

16 16-119.

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

19 (1) Disorders characterized by lapses of consciousness; and

20 (2) Disorders that result in a corrected visual acuity that fails to comply with
21 the vision requirements of this subtitle.

22 (b) (1) Except as provided in paragraph (2) of this subsection, any physician and
23 any other person authorized to diagnose, detect, or treat disorders defined under
24 subsection (a) of this section may report to the Medical Advisory Board and to the subject
25 of the report, in writing, the full name, date of birth, and address of each individual 15
26 years old or older who has any such disorder.

27 (2) Unless authorized by the individual in writing, a report may not be made
28 from information derived from the diagnosis or treatment of any individual on whom a
29 confidential or privileged relationship is conferred by law.

30 (c) On receipt of a report under this section, the Administration shall:

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

33 (2) If the individual fails to meet the requirements of this subtitle, cancel
34 [his] THE INDIVIDUAL'S license.

35 (d) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
36 SUBSECTION, THE reports made to the Administration under this section:

37 (i) Are confidential;

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1 (ii) May be disclosed only on court order; and

2 (iii) May be used only to determine the qualifications of an individual
3 to drive.

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

5 (3) REPORTS MADE TO THE ADMINISTRATION UNDER SUBSECTION (B)
6 OF THIS SECTION THAT ARE USED TO DETERMINE THE QUALIFICATIONS OF AN
7 INDIVIDUAL TO DRIVE SHALL BE DISCLOSED TO THE INDIVIDUAL OR THE
8 INDIVIDUAL'S ATTORNEY, ON REQUEST OF THE INDIVIDUAL OR THE INDIVIDUAL'S
9 ATTORNEY.

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

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

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