
By: **Delegates McComas, Boteler, and Boutin**
Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Driver's Licenses - Medical Advisory Board - Reports by Physicians**

3 FOR the purpose of requiring a physician or a person authorized to diagnose, detect,
4 or treat certain disorders to make a certain report to the Medical Advisory Board
5 and to the subject of the report, except under certain circumstances; and
6 generally relating to reports made to the Medical Advisory Board.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 16-119
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2003 Supplement)

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

14 **Article - Transportation**

15 16-119.

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

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

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

21 (b) (1) Except as provided in paragraph (2) of this subsection, any physician
22 and any other person authorized to diagnose, detect, or treat disorders defined under
23 subsection (a) of this section [may] SHALL report to the Medical Advisory Board and
24 to the subject of the report, in writing, the full name, date of birth, and address of
25 each individual 15 years old or older who has any such disorder, UNLESS THE
26 INDIVIDUAL'S DISORDER IS UNDER SUFFICIENT CONTROL TO PERMIT THE
27 INDIVIDUAL TO OPERATE A MOTOR VEHICLE SAFELY.

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

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

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

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

9 (d) (1) The reports made to the Administration under this section:

10 (i) Are confidential;

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

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2004.