O3   (6lr3482)

ENROLLED BILL
-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by ~~Delegate Hubbard~~ **Delegates Hubbard, Hammen, Barve,**
Benson, Bromwell, Costa, Donoghue, Elliott, Frank, Kach, Kohl, Kullen,
Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks,
Pendergrass, Rudolph, V. Turner, and Weldon

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____M.

_____
Speaker.

CHAPTER_____

1 AN ACT concerning

2   **State Government - Public Records - Personal Information About**
3   **Individuals with Disabilities**

4 FOR the purpose of requiring custodians of public records to deny inspection of the
5   part of a public record that contains personal information about individuals with
6   disabilities or individuals perceived to have a disability under certain
7   circumstances; *requiring certain custodians of public records to permit the*
8   *inspection of the part of a public record that gives the home address of a certain*
9   *licensee after the custodian redacts certain information from the record under*
10   *certain circumstances; providing for the application of certain provisions;*
11   defining a certain term; and generally relating to personal information about
12   individuals with disabilities in a public record.

13 BY repealing and reenacting, without amendments,

1   Article - State Government
2   Section 10-617(a)
3   Annotated Code of Maryland
4   (2004 Replacement Volume and 2005 Supplement)

5 BY repealing and reenacting, with amendments,
6   Article - State Government
7   Section 10-617(b) *and (h)(2)*
8   Annotated Code of Maryland
9   (2004 Replacement Volume and 2005 Supplement)

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

12   **Article - State Government**

13 10-617.

14   (a)   Unless otherwise provided by law, a custodian shall deny inspection of a
15 part of a public record, as provided in this section.

16   (b)   (1)   IN THIS SUBSECTION, "DISABILITY" HAS THE MEANING STATED IN §
17 ~~20 OF~~ ARTICLE 49B, *§ 20 OF THE CODE.*

18   (2)   Subject to paragraph ~~(2)~~ (3) of this subsection, a custodian shall deny
19 inspection of the part of a public record that contains:

20   (I)   medical or psychological information about an individual, other
21 than an autopsy report of a medical examiner; OR

22   (II)   PERSONAL INFORMATION ABOUT AN INDIVIDUAL WITH A
23 DISABILITY OR AN INDIVIDUAL PERCEIVED TO HAVE A DISABILITY.

24   ~~(2)~~   (3)   A custodian shall permit the person in interest to inspect the
25 public record to the extent permitted under § 4-304(a) of the Health - General Article.

26   *(4)*   *THIS SUBSECTION DOES NOT APPLY TO:*

27   *(I)   A NURSING HOME AS DEFINED IN § 19-1401 OF THE HEALTH -*
28 *GENERAL ARTICLE; OR*

29   *(II)   AN ASSISTED LIVING FACILITY AS DEFINED IN § 19-1801 OF THE*
30 *HEALTH - GENERAL ARTICLE.*

31   *(h)*   *(2)*   *A custodian shall permit inspection of the part of a public record that*
32 *gives:*

33   *(i)   the name of the licensee;*

1   *(ii)*   *the business address of the licensee or, if the business address is*
2 *not available, the home address OF THE LICENSEE AFTER THE CUSTODIAN REDACTS*
3 *ALL INFORMATION, IF ANY, THAT IDENTIFIES THE LOCATION AS THE HOME*
4 *ADDRESS OF AN INDIVIDUAL WITH A DISABILITY AS DEFINED IN SUBSECTION (B) OF*
5 *THIS SECTION;*

6   *(iii)*   *the business telephone number of the licensee;*

7   *(iv)*   *the educational and occupational background of the licensee;*

8   *(v)*   *the professional qualifications of the licensee;*

9   *(vi)*   *any orders and findings that result from formal disciplinary*
10 *actions; and*

11   *(vii)*   *any evidence that has been provided to the custodian to meet the*
12 *requirements of a statute as to financial responsibility.*

13   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2006.