

**ENROLLED BILL**

-- *Education, Health, and Environmental Affairs/Health and Government Operations* --

Introduced by Senator Exum

Read and Examined by Proofreaders:

## Proofreader.

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

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## Proofreader.

President.

## CHAPTER

## 1 AN ACT concerning

## **State Government - Public Records - Personal Information About 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 custodians of public records to redact certain  
8 information; requiring certain custodians of public records to permit the  
9 inspection of the part of a public record that gives the home address of a certain  
10 licensee after the custodian redacts certain information from the record under  
11 certain circumstances; providing for the application of certain provisions;  
12 defining a certain term; and generally relating to personal information about  
13 individuals with disabilities in a public record.

14 BY repealing and reenacting, without amendments,  
15 Article - State Government  
16 Section 10-617(a)

1 Annotated Code of Maryland  
2 (2004 Replacement Volume and 2005 Supplement)

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

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

10 **Article - State Government**

11 10-617.

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

14 (b) (1) IN THIS SUBSECTION, "DISABILITY" HAS THE MEANING STATED IN  
15 THE FEDERAL AMERICANS WITH DISABILITIES ACT, ARTICLE 49B, § 20 OF THE CODE.

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

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

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

22 (2) (3) (4) A custodian shall permit the person in interest to inspect  
23 the public record to the extent permitted under § 4-304(a) of the Health - General  
24 Article.

25 (4) THIS SUBSECTION DOES NOT APPLY TO:

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

28 (II) AN ASSISTED LIVING PROGRAM, AS DEFINED IN § 19-1801 OF  
29 THE HEALTH - GENERAL ARTICLE.

30 (III) IF A CUSTODIAN PROVIDES THE HOME ADDRESS OF AN  
31 INDIVIDUAL WITH A DISABILITY OR AN INDIVIDUAL PERCEIVED TO HAVE A  
32 DISABILITY IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE  
33 CUSTODIAN SHALL REDACT ALL INFORMATION THAT IDENTIFIES THE LOCATION AS  
34 THE HOME ADDRESS OF AN INDIVIDUAL WITH A DISABILITY OR AN INDIVIDUAL  
35 PERCEIVED TO HAVE A DISABILITY.

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

3                    (i)        the name of the licensee;

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

9                    (iii)        the business telephone number of the licensee;

10                   (iv)        the educational and occupational background of the licensee;

11                   (v)        the professional qualifications of the licensee;

12                   (vi)        any orders and findings that result from formal disciplinary  
13 actions; and

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

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