

ENROLLED BILL

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

Introduced by **Senator Exum**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

President.

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 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) ~~(1)~~ 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 (H) 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.