

# HOUSE BILL 766

R4

(8lr2154)

## ENROLLED BILL

—Environmental Matters / Judicial Proceedings—

Introduced by **Delegate Malone**

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.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Medical Advisory Board - ~~Confidentiality~~ Use of Confidential**  
3 **Records and Reports**

4 FOR the purpose of authorizing the ~~Medical Advisory Board appointed by the Motor~~  
5 ~~Vehicle Administrator to disclose~~ Motor Vehicle Administration to use, whether  
6 ~~unilaterally or in certain collaboration, certain information of the Medical~~  
7 ~~Advisory Board for certain purposes subject to a certain restriction; and~~  
8 ~~generally relating to the disclosure use of information of the Medical Advisory~~  
9 ~~Board by the Medical Advisory Board Motor Vehicle Administration use certain~~  
10 information in certain confidential reports and records for driver safety research  
11 subject to a certain restriction; authorizing the Administration to contract with  
12 third parties to assist with driver safety research; and generally relating to the  
13 use of certain confidential reports and records.

14 BY repealing and reenacting, with amendments,

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 Article – Transportation  
 2 Section 16–118 and 16–119  
 3 Annotated Code of Maryland  
 4 (2006 Replacement Volume and 2007 Supplement)

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

7 **Article – Transportation**

8 16–118.

9 (a) (1) The Administrator may appoint a Medical Advisory Board of  
 10 qualified physicians and optometrists to enable the Administration to comply properly  
 11 with the provisions of this title regarding the physical and mental condition of  
 12 individuals who seek to drive on highways in this State.

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

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

18 (c) (1) The Administrator may refer to the Medical Advisory Board, for an  
 19 advisory opinion, the case of any licensee or applicant for a license, if the  
 20 Administrator has good cause to believe that the driving of a vehicle by him would be  
 21 contrary to public safety and welfare because of an existing or suspected mental or  
 22 physical disability.

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

24 (d) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
 25 **SUBSECTION, THE** records of the Medical Advisory Board:

26 (i) Are confidential;

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

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

30 (2) ~~THE MEDICAL ADVISORY BOARD MAY DISCLOSE~~  
 31 ~~ADMINISTRATION MAY USE INFORMATION IN ITS RECORDS THE RECORDS OF~~  
 32 ~~THE MEDICAL ADVISORY BOARD ITS RECORDS FOR THE PURPOSE OF MEDICAL~~  
 33 ~~RESEARCH OR STATISTICAL REPORTING, AS DETERMINED BY THE BOARD,~~

1 ~~PROVIDED THAT THE INFORMATION DISCLOSED DOES NOT IDENTIFY ANY~~  
2 ~~INDIVIDUAL WHO IS A SUBJECT OF OR IS NAMED IN THE RECORDS DRIVER~~  
3 ~~SAFETY RESEARCH, WHETHER PERFORMED UNILATERALLY OR IN~~  
4 ~~COLLABORATION WITH ANOTHER MEDICAL RESEARCH ENTITY, PROVIDED THAT~~  
5 ~~PERSONAL INFORMATION IS NOT PUBLISHED OR DISCLOSED.~~

6 (3) THE ADMINISTRATION MAY CONTRACT WITH THIRD PARTIES  
7 TO ASSIST WITH DRIVER SAFETY RESEARCH.

8 (4) A person may not use these records for any other purpose.

9 16-119.

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

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

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

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

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

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

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

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

29 (d) (1) ~~The~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
30 SUBSECTION, THE reports made to the Administration under this section:

31 (i) Are confidential;

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

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

3 (2) ~~THE MEDICAL ADVISORY BOARD MAY DISCLOSE~~  
4 ~~ADMINISTRATION MAY USE INFORMATION IN THE REPORTS IT RECEIVES FOR~~  
5 ~~THE PURPOSE OF MEDICAL RESEARCH OR STATISTICAL REPORTING, AS~~  
6 ~~DETERMINED BY THE BOARD, PROVIDED THAT THE INFORMATION DISCLOSED~~  
7 ~~DOES NOT IDENTIFY ANY INDIVIDUAL WHO IS A SUBJECT OF OR IS NAMED IN~~  
8 ~~THE REPORTS DRIVER SAFETY RESEARCH, WHETHER PERFORMED SOLELY BY~~  
9 ~~THE ADMINISTRATION OR IN COLLABORATION WITH ANOTHER MEDICAL~~  
10 ~~RESEARCH ENTITY, PROVIDED THAT PERSONAL INFORMATION IS NOT~~  
11 ~~PUBLISHED OR DISCLOSED.~~

12 (3) THE ADMINISTRATION MAY CONTRACT WITH THIRD PARTIES  
13 TO ASSIST WITH DRIVER SAFETY RESEARCH.

14 (4) 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 confidential  
20 or privileged relationship conferred by law.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.