

HOUSE BILL 766

R4

8lr2154
CF 8lr2471

By: **Delegate Malone**

Introduced and read first time: February 4, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Medical Advisory Board – Confidentiality**

3 FOR the purpose of authorizing the Medical Advisory Board appointed by the Motor
4 Vehicle Administrator to disclose certain information for certain purposes
5 subject to a certain restriction; and generally relating to the disclosure of
6 information by the Medical Advisory Board.

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 16–118 and 16–119
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2007 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 16–118.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

9 (i) Are confidential;

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

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

13 (2) **THE MEDICAL ADVISORY BOARD MAY DISCLOSE**
14 **INFORMATION IN ITS RECORDS FOR THE PURPOSE OF MEDICAL RESEARCH OR**
15 **STATISTICAL REPORTING, AS DETERMINED BY THE BOARD, PROVIDED THAT**
16 **THE INFORMATION DISCLOSED DOES NOT IDENTIFY ANY INDIVIDUAL WHO IS A**
17 **SUBJECT OF OR IS NAMED IN THE RECORDS.**

18 (3) A person may not use these records for any other purpose.

19 16–119.

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

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

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

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

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

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

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

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

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

7 (i) Are confidential;

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

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

11 (2) **THE MEDICAL ADVISORY BOARD MAY DISCLOSE**
12 **INFORMATION IN THE REPORTS IT RECEIVES FOR THE PURPOSE OF MEDICAL**
13 **RESEARCH OR STATISTICAL REPORTING, AS DETERMINED BY THE BOARD,**
14 **PROVIDED THAT THE INFORMATION DISCLOSED DOES NOT IDENTIFY ANY**
15 **INDIVIDUAL WHO IS A SUBJECT OF OR IS NAMED IN THE REPORTS.**

16 (3) A person may not use these reports for any other purpose.

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

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

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