

# HOUSE BILL 766

R4

8lr2154  
CF SB 578

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By: **Delegate Malone**

Introduced and read first time: February 4, 2008

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2008

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

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~~ Motor Vehicle Administration to use, whether  
5 unilaterally or in certain collaboration, certain information of the Medical  
6 Advisory Board for certain purposes subject to a certain restriction; and  
7 generally relating to the ~~disclosure~~ use of information of the Medical Advisory  
8 Board by the ~~Medical Advisory Board~~ Motor Vehicle Administration.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 16–118 and 16–119  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2007 Supplement)

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

### 16 **Article – Transportation**

17 16–118.

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

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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.



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

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

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

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

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

14 (i) Are confidential;

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

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

18 (2) **THE ~~MEDICAL ADVISORY BOARD~~ MAY ~~DISCLOSE~~**  
19 **ADMINISTRATION MAY USE INFORMATION IN ~~ITS RECORDS~~ THE RECORDS OF**  
20 **THE MEDICAL ADVISORY BOARD FOR THE PURPOSE OF ~~MEDICAL RESEARCH OR~~**  
21 **STATISTICAL REPORTING, AS DETERMINED BY THE BOARD, PROVIDED THAT**  
22 **THE INFORMATION DISCLOSED DOES NOT IDENTIFY ANY INDIVIDUAL WHO IS A**  
23 **SUBJECT OF OR IS NAMED IN THE RECORDS DRIVER SAFETY RESEARCH,**  
24 **WHETHER PERFORMED UNILATERALLY OR IN COLLABORATION WITH ANOTHER**  
25 **MEDICAL RESEARCH ENTITY, PROVIDED THAT PERSONAL INFORMATION IS NOT**  
26 **DISCLOSED.**

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

28 16-119.

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

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

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

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

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

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

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

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

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

18 (i) Are confidential;

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

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

22 (2) ~~THE MEDICAL ADVISORY BOARD MAY DISCLOSE~~  
23 **ADMINISTRATION MAY USE INFORMATION IN THE REPORTS IT RECEIVES FOR**  
24 **THE PURPOSE OF MEDICAL RESEARCH OR STATISTICAL REPORTING, AS**  
25 **DETERMINED BY THE BOARD, PROVIDED THAT THE INFORMATION DISCLOSED**  
26 **DOES NOT IDENTIFY ANY INDIVIDUAL WHO IS A SUBJECT OF OR IS NAMED IN**  
27 **THE REPORTS DRIVER SAFETY RESEARCH, WHETHER PERFORMED SOLELY BY**  
28 **THE ADMINISTRATION OR IN COLLABORATION WITH ANOTHER MEDICAL**  
29 **RESEARCH ENTITY, PROVIDED THAT PERSONAL INFORMATION IS NOT**  
30 **DISCLOSED.**

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 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.