

SENATE BILL 578

R4

8lr2471
CF HB 766

By: **Senator Forehand**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2008

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 certain information for certain purposes~~ Motor
6 Vehicle Administration to use certain information in certain confidential reports
7 and records for driver safety research subject to a certain restriction;
8 authorizing the Administration to contract with third parties to assist with
9 driver safety research; and generally relating to the disclosure of information by
10 ~~the Medical Advisory Board~~ use of certain confidential reports and records.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-118 and 16-119
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article - Transportation**

19 16-118.

20 (a) (1) The Administrator may appoint a Medical Advisory Board of
21 qualified physicians and optometrists to enable the Administration to comply properly

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 with the provisions of this title regarding the physical and mental condition of
2 individuals who seek to drive on highways in this State.

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

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

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

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

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

16 (i) Are confidential;

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

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

20 ~~(2) THE MEDICAL ADVISORY BOARD MAY DISCLOSE~~
21 ~~INFORMATION IN ITS RECORDS FOR THE PURPOSE OF MEDICAL RESEARCH OR~~
22 ~~STATISTICAL REPORTING, AS DETERMINED BY THE BOARD, PROVIDED THAT~~
23 ~~THE INFORMATION DISCLOSED DOES NOT IDENTIFY ANY INDIVIDUAL WHO IS A~~
24 ~~SUBJECT OF OR IS NAMED IN THE RECORDS.~~

25 (2) THE ADMINISTRATION MAY USE INFORMATION IN ITS
26 RECORDS FOR THE PURPOSE OF DRIVER SAFETY RESEARCH, PROVIDED THAT
27 PERSONAL INFORMATION IS NOT PUBLISHED OR DISCLOSED.

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

30 ~~(3)~~ (4) A person may not use these records for any other purpose.

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

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

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

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

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

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

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

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

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

21 (i) Are confidential;

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

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

25 ~~(2) THE MEDICAL ADVISORY BOARD MAY DISCLOSE~~
26 ~~INFORMATION IN THE REPORTS IT RECEIVES FOR THE PURPOSE OF MEDICAL~~
27 ~~RESEARCH OR STATISTICAL REPORTING, AS DETERMINED BY THE BOARD,~~
28 ~~PROVIDED THAT THE INFORMATION DISCLOSED DOES NOT IDENTIFY ANY~~
29 ~~INDIVIDUAL WHO IS A SUBJECT OF OR IS NAMED IN THE REPORTS.~~

30 (2) THE ADMINISTRATION MAY USE INFORMATION IN THE
31 REPORTS IT RECEIVES FOR THE PURPOSE OF DRIVER SAFETY RESEARCH,
32 PROVIDED THAT PERSONAL INFORMATION IS NOT PUBLISHED OR DISCLOSED.

1 **(3) THE ADMINISTRATION MAY CONTRACT WITH THIRD PARTIES**
2 **TO ASSIST WITH DRIVER SAFETY RESEARCH.**

3 ~~(3)~~ **(4)** A person may not use these reports for any other purpose.

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.