

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

Revised

House Bill 766

(Delegate Malone)

Environmental Matters

Judicial Proceedings

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Vehicle Laws - Medical Advisory Board - Use of Confidential Records and  
Reports

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This bill authorizes the Motor Vehicle Administration to use information from its records for the purpose of driver safety research as long as no personal information is disclosed or published. MVA may contract with third parties to assist with driver safety research.

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Fiscal Summary

**State Effect:** Transportation Trust Fund expenditures could increase to access records. Any such increase is assumed to be minimal. Revenues would not be affected by the bill.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The Motor Vehicle Administrator is authorized to refer cases to the Medical Advisory Board for an advisory opinion as to the suspected mental or physical disability of a licensee or applicant; however, the administrator must have good cause to believe that allowing the individual to drive a vehicle would be contrary to the public safety and welfare. In addition, any physician or other person authorized to diagnose, detect, or treat disorders characterized by lapses of consciousness or disorders that result in a corrected visual acuity that fails to comply with the vision requirements of the Motor Vehicle Law, may report individuals with such disorders who are age 15 and older to the board. The Department of Health and Mental Hygiene, together with the Medical and

Chirurgical Faculty and the State Board of Examiners in Optometry is required to define these disorders. On receipt of a report, MVA is required to arrange for the examination of the reported individual as soon as practicable and, if the individual fails to meet the requirements for a driver's license, cancel their license.

No report to the board may be made in violation of a confidential or privileged relationship conferred by law. Unless a confidential or privileged relationship is violated, no legal action may be taken against a person who makes a report, and no report may be used as evidence in any civil or criminal trial.

**Background:** Appointed by the Motor Vehicle Administrator, the Medical Advisory Board consists of qualified physicians and optometrists who advise the administrator on medical aspects of driver licensing. The Medical Advisory Board currently lists 16 disorders that require further medical review before board approval may be granted to license or reinstate an applicant. When examining an individual suffering from one of these disorders, the board examiners take many factors into consideration before determining whether to approve the individual for licensure. These factors are based on medical crash risk data. Access to these data by medical researchers not on the board is currently restricted by law.

**State Expenditures:** Any impact on MVA is likely small enough that it could be absorbed within the agency's existing budget. However, it is possible that an additional customer agent would be needed at MVA. MVA advises that the Driver Wellness and Safety Division's seven customer agents currently handle an average of 3,714 cases per year. Therefore, if the use of information from MAB records approaches or exceeds the equivalent of 3,700 cases, an additional customer agent would be needed to retrieve and coordinate the information.

Currently, there are no data available on which to estimate the number of records that might be accessed under this bill. However, the bill would likely require that, for each record accessed, the customer agent would need to redact documentation of the identities in each affected record. Any additional resources could be requested through the annual budget process.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 578 (Senator Forehand) – Judicial Proceedings.

**Information Source(s):** Johns Hopkins University, Department of Health and Mental Hygiene, Maryland Insurance Administration, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2008  
mll/ljm Revised - House Third Reader - March 20, 2008  
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