

CHAPTER 424

(House Bill 766)

AN ACT concerning

Vehicle Laws – Medical Advisory Board – ~~Confidentiality~~ Use of Confidential Records and Reports

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

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

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

Article – Transportation

16–118.

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

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

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

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

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

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

(i) Are confidential;

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

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

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

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

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

16-119.

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

(1) Disorders characterized by lapses of consciousness; and

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

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

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

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

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

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

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

(i) Are confidential;

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.