

# SENATE BILL 807

R4

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CF 4r2557

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By: **Senator Raskin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Drivers' Licenses – Disorder, Disease, or Physical Disability – Identification,**  
3 **Disclosure, and Reporting**

4 FOR the purpose of expanding the requirements for renewing a driver's license to  
5 include the written disclosure of a certain disorder, disease, or physical  
6 disability; requiring the Department of Health and Mental Hygiene, the  
7 Medical and Chirurgical Faculty, and the State Board of Examiners in  
8 Optometry to define diseases and physical disabilities that may render an  
9 individual unable to exercise reasonable control over a motor vehicle; expanding  
10 the scope of health care professionals authorized to make a certain report to the  
11 Medical Advisory Board and to the subject of the report; prohibiting a  
12 psychiatrist, licensed psychologist, or psychiatric–mental health nursing  
13 specialist from making a certain report under certain circumstances unless  
14 authorized by a certain person in writing; requiring the Motor Vehicle  
15 Administration to adopt regulations identifying any disorder, disease, or  
16 physical disability that may impair an individual's ability to drive; requiring the  
17 Administration to require that an applicant for the renewal of a driver's license  
18 disclose certain information; requiring the Administration to provide an  
19 applicant for the renewal of a driver's license with a list of disorders, diseases,  
20 and physical disabilities required to be disclosed; defining a certain term; and  
21 generally relating to the identification, disclosure, and reporting of disorders,  
22 diseases, or physical disabilities that may impair an individual's ability to drive.

23 BY repealing and reenacting, without amendments,  
24 Article – Courts and Judicial Proceedings  
25 Section 9–109(a)(2) and (4) and (b) and 9–109.1(a)(1) and (4) and (b)  
26 Annotated Code of Maryland  
27 (2013 Replacement Volume and 2013 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article – Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–115(a)(3) and 16–119  
2 Annotated Code of Maryland  
3 (2012 Replacement Volume and 2013 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 9–109.

8 (a) (2) “Licensed psychologist” means a person who is licensed to practice  
9 psychology under the laws of Maryland.

10 (4) “Psychiatrist” means a person licensed to practice medicine who  
11 devotes a substantial proportion of his time to the practice of psychiatry.

12 (b) Unless otherwise provided, in all judicial, legislative, or administrative  
13 proceedings, a patient or the patient’s authorized representative has a privilege to  
14 refuse to disclose, and to prevent a witness from disclosing:

15 (1) Communications relating to diagnosis or treatment of the patient;  
16 or

17 (2) Any information that by its nature would show the existence of a  
18 medical record of the diagnosis or treatment.

19 9–109.1.

20 (a) (1) In this section the following words have the meanings indicated.

21 (4) “Psychiatric–mental health nursing specialist” means a registered  
22 nurse who:

23 (i) Has a master’s degree in psychiatric–mental health nursing;  
24 or

25 (ii) Has a baccalaureate degree in nursing and a master’s degree  
26 in a mental health field; or

27 (iii) Is certified as a clinical specialist in psychiatric and mental  
28 health nursing by the American Nurses’ Association or by a body approved by the  
29 Board of Nursing.

30 (b) Unless otherwise provided, in any judicial, legislative, or administrative  
31 proceeding, a client or a client’s authorized representative has a privilege to refuse to  
32 disclose, and to prevent a witness from disclosing, communications relating to:

1 (1) Diagnosis or treatment of the client; or

2 (2) Any information that by its nature would show a medical record of  
3 the diagnosis or treatment exists.

4 **Article – Transportation**

5 16–115.

6 (a) (3) A license is renewable on the presentation of an application, the  
7 payment of the renewal fee required by § 16–111.1 of this subtitle, **THE WRITTEN**  
8 **DISCLOSURE OF A DISORDER, DISEASE, OR PHYSICAL DISABILITY REQUIRED**  
9 **UNDER § 16–119(H) OF THIS SUBTITLE**, and satisfactory completion of the  
10 examination required or authorized by subsection (i) of this section:

11 (i) Within 6 months before its expiration; or

12 (ii) When a driver qualifies for a corrected license issued under §  
13 16–114.1(c) of this subtitle.

14 16–119.

15 **(A) IN THIS SECTION, “HEALTH CARE PROFESSIONAL” MEANS:**

16 **(1) A PHYSICIAN;**

17 **(2) A PHYSICIAN ASSISTANT;**

18 **(3) A NURSE;**

19 **(4) A NURSE PRACTITIONER;**

20 **(5) A SOCIAL WORKER;**

21 **(6) A LICENSED PSYCHOLOGIST, AS DEFINED IN § 9–109 OF THE**  
22 **COURTS ARTICLE;**

23 **(7) A PSYCHIATRIST, AS DEFINED IN § 9–109 OF THE COURTS**  
24 **ARTICLE;**

25 **(8) A PSYCHIATRIC–MENTAL HEALTH NURSING SPECIALIST, AS**  
26 **DEFINED IN § 9–109.1 OF THE COURTS ARTICLE;**

27 **(9) A PHARMACIST;**

1           **(10) AN EMERGENCY MEDICAL SERVICE EMPLOYEE;**

2           **(11) A PARAMEDIC; OR**

3           **(12) ANOTHER ALLIED HEALTH PROFESSIONAL.**

4           **[(a)] (B)**     The Department of Health and Mental Hygiene, together with the  
5 Medical and Chirurgical Faculty and the State Board of Examiners in Optometry,  
6 shall define:

7           (1)     Disorders characterized by lapses of consciousness; **[and]**

8           (2)     Disorders that result in a corrected visual acuity that fails to  
9 comply with the vision requirements of this subtitle; **AND**

10           **(3) OTHER DISEASES OR PHYSICAL DISABILITIES THAT MAY**  
11 **RENDER AN INDIVIDUAL UNABLE TO EXERCISE REASONABLE CONTROL OVER A**  
12 **MOTOR VEHICLE.**

13           **[(b)] (C)**     (1)     Except as provided in paragraph (2) of this subsection, any  
14 **[physician and any other person authorized to diagnose, detect, or treat disorders**  
15 **defined under subsection (a) of this section]** **HEALTH CARE PROFESSIONAL** may  
16 report **A DISORDER, DISEASE, OR PHYSICAL DISABILITY THAT IS DEFINED UNDER**  
17 **SUBSECTION (B) OF THIS SECTION** to the Medical Advisory Board and to the subject  
18 of the report, in writing, the full name, date of birth, and address of each individual 15  
19 years old or older who has any such disorder.

20           (2)     Unless authorized by the individual in writing, a report may not be  
21 made **BY A PSYCHIATRIST, LICENSED PSYCHOLOGIST, OR**  
22 **PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST** from information derived  
23 from the diagnosis or treatment of any individual on whom a confidential or privileged  
24 relationship **[is conferred by law]** **EXISTS UNDER §§ 9-109 AND 9-109.1 OF THE**  
25 **COURTS ARTICLE.**

26           **[(c)] (D)**     On receipt of a report under this section, the Administration shall:

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

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

31           **[(d)] (E)**     (1)     Except as provided in paragraph (2) of this subsection, the  
32 reports made to the Administration under this section:

- 1 (i) Are confidential;
- 2 (ii) May be disclosed only on court order; and
- 3 (iii) May be used only to determine the qualifications of an  
4 individual to drive.

5 (2) The Administration may use information in the reports it receives  
6 for the purpose of driver safety research, provided that personal information is not  
7 published or disclosed.

8 (3) The Administration may contract with third parties to assist with  
9 driver safety research.

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

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

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

17 (H) THE ADMINISTRATION SHALL:

18 (1) ADOPT REGULATIONS IDENTIFYING ANY DISORDER, DISEASE,  
19 OR PHYSICAL DISABILITY THAT MAY IMPAIR AN INDIVIDUAL'S ABILITY TO  
20 DRIVE;

21 (2) REQUIRE AN APPLICANT FOR THE RENEWAL OF A DRIVER'S  
22 LICENSE TO DISCLOSE IN WRITING ANY DISORDER, DISEASE, OR PHYSICAL  
23 DISABILITY THAT MAY IMPAIR THE APPLICANT'S ABILITY TO DRIVE; AND

24 (3) PROVIDE AN APPLICANT FOR THE RENEWAL OF A DRIVER'S  
25 LICENSE WITH THE LIST OF DISORDERS, DISEASES, OR PHYSICAL DISABILITIES  
26 THAT THE APPLICANT IS REQUIRED TO DISCLOSE UNDER ITEM (2) OF THIS  
27 SUBSECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2014.