

SENATE BILL No. 466

By Committee on Judiciary

2-6

10 AN ACT concerning driver's licenses; relating to medical information
11 reported to the division; amending K.S.A. 8-255c and repealing the
12 existing section.

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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 8-255c is hereby amended to read as follows: 8-
16 255c. (a) No person reporting to the division or to the medical advisory
17 board in good faith any information that any such person may have re-
18 lating to the mental or physical condition of an applicant for *or a holder*
19 *of a driver's license shall be subject to a civil action for damages as a result*
20 *of reporting such information. ~~No Nothing in this section shall be con-~~*
21 *strued to create a duty to report, nor shall a physician or optometrist ~~shall~~*
22 *be required by law to ~~volunteer~~ report information to the division or to*
23 *the medical advisory board as to the mental or physical condition of any*
24 *patient.*

25 (b) *A physician or optometrist may report to the division or to the*
26 *medical advisory board any person diagnosed or assessed as having a*
27 *disorder or condition that ~~may~~ in such physician's or optometrist's pro-*
28 *fessional judgment could prevent such person from safely operating a*
29 *motor vehicle **or could constitute an immediate and serious danger***
30 *to the public. Such report shall state the diagnosis or assessment and*
31 *whether the condition is likely to be permanent or temporary. The exis-*
32 *tence of a privilege pursuant to K.S.A. 60-427, and amendments thereto,*
33 *shall not prevent a physician or optometrist from making a report. All*
34 *reports made to, and all medical records reviewed and maintained by, the*
35 *division pursuant to this section shall be kept confidential and shall not*
36 *be disclosed except upon the order of a court of competent jurisdiction,*
37 *pursuant to the request of the division or medical advisory board and*
38 *shall not be subject to subpoena, discovery or other demand in any other*
39 *administrative, criminal or civil matter.*

40 Sec. 2. K.S.A. 8-255c is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.