
By: Delegates Bonsack and Barve

Introduced and read first time: February 8, 1996

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 1996

CHAPTER ____

1 AN ACT concerning

2 State Board of Physician Quality Assurance - Disciplinary Actions

3 FOR the purpose of allowing the State Board of Physician Quality Assurance to enter
4 into an agreement for corrective action with a licensee after performing certain
5 preliminary investigations and determining that deficiencies exist; providing
6 procedures for corrective action agreements; and generally relating to the State
7 Board of Physician Quality Assurance and disciplinary actions.

8 BY repealing and reenacting, without amendments,
9 Article - Health Occupations
10 Section 14-401(a) and (b)
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Health Occupations
15 Section 14-401(c)
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Health Occupations**

2 14-401.

3 (a) The Board shall perform any necessary preliminary investigation before the
4 Board refers to an investigatory body an allegation of grounds for disciplinary or other
5 action brought to its attention.

6 (b) If an allegation of grounds for disciplinary or other action is made by a patient
7 or a family member of a patient in a standard of care case and a full investigation results
8 from that allegation, the full investigation shall include an offer of an interview with the
9 patient or a family member of the patient who was present on or about the time that the
10 incident that gave rise to the allegation occurred.

11 (c) (1) Except as otherwise provided in this subsection, after performing any
12 necessary preliminary investigation of an allegation of grounds for disciplinary or other
13 action, the Board may:

14 (i) Refer the allegation for further investigation to the Faculty; [or]

15 (ii) Take any appropriate and immediate action as necessary; OR

16 (III) COME TO AN AGREEMENT FOR CORRECTIVE ACTION WITH A
17 LICENSEE PURSUANT TO PARAGRAPH (4) OF THIS SUBSECTION.

18 (2) (i) After performing any necessary preliminary investigation of an
19 allegation of grounds for disciplinary or other action, the Board shall refer any allegation
20 involving standards of medical care, as determined by the Board, and any allegation based
21 on § 14-404(a)(19) to the Faculty for further investigation and physician peer review
22 within the involved medical specialty or specialties.

23 (ii) The Faculty may refer the allegation for investigation and report to
24 the appropriate:

25 1. County medical society; or

26 2. Committee of the Faculty.

27 (3) If, after performing any necessary preliminary investigation, the Board
28 determines that an allegation involving fees for professional or ancillary services does not
29 constitute grounds for disciplinary or other action, the Board shall offer the complainant
30 and the licensee an opportunity to mediate the dispute.

31 (4) (I) IF THE BOARD DETERMINES THAT AN AGREEMENT FOR
32 CORRECTIVE ACTION IS WARRANTED, THE BOARD SHALL NOTIFY THE LICENSEE OF
33 THE IDENTIFIED DEFICIENCIES AND ENTER INTO AN AGREEMENT FOR CORRECTIVE
34 ACTION, WHICH MAY NOT BE MADE PUBLIC AND WHICH SHALL NOT BE
35 CONSIDERED A DISCIPLINARY ACTION FOR PURPOSES OF THIS SUBTITLE.

36 (II) THE BOARD SHALL SUBSEQUENTLY EVALUATE THE LICENSEE
37 AND SHALL:

3

1 1. TERMINATE THE CORRECTIVE ACTION IF THE BOARD IS
2 SATISFIED THAT THE LICENSEE IS IN COMPLIANCE WITH THE AGREEMENT FOR
3 CORRECTIVE ACTION AND HAS CORRECTED THE DEFICIENCIES; OR

4 2. PURSUE DISCIPLINARY ACTION UNDER § 14-404 OF THIS
5 SUBTITLE IF THE DEFICIENCIES PERSIST OR THE LICENSEE HAS FAILED TO COMPLY
6 WITH THE AGREEMENT FOR CORRECTIVE ACTION.

7 (III) THE BOARD SHALL PROVIDE A SUMMARY OF THE
8 CORRECTIVE ACTION AGREEMENTS IN THE EXECUTIVE DIRECTOR'S REPORT OF
9 BOARD ACTIVITIES.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1996.