
By: **Delegate Owings**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals - Credentialling Process - Health Care Practitioners and**
3 **Physicians**

4 FOR the purpose of requiring each hospital, as a condition of licensure, to establish a
5 credentialling process for health care practitioners and physicians who are
6 employed by or have staff privileges at the hospital; altering certain provisions
7 relating to the requirement that the Secretary of Health and Mental Hygiene
8 establish minimum standards for a certain credentialling process; establishing
9 certain standards by which each hospital shall grant clinical privileges;
10 prohibiting certain factors from being considered in the determination of
11 qualifications for staff membership or clinical privileges; and generally relating
12 to a hospital credentialling process.

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 19-319(e)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1999 Supplement)

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

20 **Article - Health - General**

21 19-319.

22 (e) (1) As a condition of licensure, each hospital shall establish a
23 credentialling process for the physicians AND OTHER PRACTITIONERS AUTHORIZED
24 TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE who are employed by or
25 who have staff privileges at the hospital.

26 (2) The Secretary shall, by regulation and in consultation with hospitals,
27 physicians, OTHER PRACTITIONERS, interested community and advocacy groups, and
28 representatives of the Maryland Defense Bar and Plaintiffs' Bar, establish minimum
29 standards for a credentialling process which shall include:

1 (i) A formal written appointment process documenting the
2 [physician's] PRACTITIONER'S education, clinical expertise, licensure history,
3 insurance history, medical history, claims history, and professional experience.

4 (ii) A requirement that an initial appointment to staff not be
5 complete until the [physician] PRACTITIONER has successfully completed a
6 probationary period.

7 (iii) A formal, written reappointment process to be conducted at
8 least every 2 years. The reappointment process shall document the [physician's]
9 PRACTITIONER'S pattern of performance by analyzing claims filed against the
10 [physician] PRACTITIONER, data dealing with utilization, quality, and risk, a review
11 of clinical skills, adherence to hospital bylaws, policies and procedures, compliance
12 with continuing education requirements, and mental and physical status.

13 (3) EACH HOSPITAL SHALL GRANT CLINICAL PRIVILEGES:

14 (I) ON AN INDIVIDUAL BASIS, COMMENSURATE WITH AN
15 APPLICANT'S EDUCATION, TRAINING, EXPERIENCE, AND DEMONSTRATED CURRENT
16 COMPETENCE;

17 (II) WITHOUT RESPECT TO THE APPLICANT'S GENDER, RACE, AGE,
18 RELIGION, NATIONAL ORIGIN, SEXUAL PREFERENCE, OR A PROTECTED CATEGORY
19 UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT; AND

20 (III) FREE OF ANTICOMPETITIVE INTENT OR PURPOSE.

21 (4) THE FOLLOWING ARE NOT VALID FACTORS FOR CONSIDERATION IN
22 THE DETERMINATION OF QUALIFICATIONS FOR STAFF MEMBERSHIP OR CLINICAL
23 PRIVILEGES:

24 (I) AN APPLICANT'S MEMBERSHIP OR LACK OF MEMBERSHIP IN A
25 PROFESSIONAL SOCIETY OR ASSOCIATION;

26 (II) AN APPLICANT'S DECISION TO ADVERTISE, LOWER FEES, OR
27 ENGAGE IN OTHER COMPETITIVE ACTS INTENDED TO SOLICIT BUSINESS;

28 (III) AN APPLICANT'S PARTICIPATION IN PREPAID GROUP HEALTH
29 PLANS, SALARIED EMPLOYMENT, OR ANY OTHER MANNER OF DELIVERING HEALTH
30 SERVICES ON OTHER THAN A FEE-FOR-SERVICE BASIS;

31 (IV) AN APPLICANT'S SUPPORT FOR, TRAINING OF, OR
32 PARTICIPATION IN A PRIVATE GROUP PRACTICE WITH MEMBERS OF A PARTICULAR
33 CLASS OF HEALTH PRACTITIONER;

34 (V) AN APPLICANT'S PRACTICES WITH RESPECT TO TESTIFYING IN
35 MALPRACTICE SUITS, DISCIPLINARY ACTIONS, OR ANY OTHER TYPE OF PROCEEDING;
36 AND

1 (VI) AN APPLICANT'S WILLINGNESS TO SEND A CERTAIN AMOUNT
2 OF PATIENTS OR CLIENTS WHO ARE IN NEED OF THE SERVICES OF A FACILITY OR
3 AGENCY TO A PARTICULAR FACILITY OR AGENCY.

4 (5) A HOSPITAL MAY NOT DENY AN APPLICATION FOR STAFF
5 MEMBERSHIP OR CLINICAL PRIVILEGES OR TERMINATE THE MEMBERSHIP OR
6 PRIVILEGES OF A PRACTITIONER SOLELY ON THE BASIS OF THE TYPE OF LICENSE,
7 CERTIFICATION, OR OTHER AUTHORIZATION OF THE PRACTITIONER TO PROVIDE
8 HEALTH CARE SERVICES IF THE HOSPITAL PROVIDES HEALTH CARE SERVICES
9 WITHIN THE PRACTITIONER'S LAWFUL SCOPE OF PRACTICE.

10 [(3)] (6) If requested by the Department, a hospital shall provide
11 documentation that, prior to employing or granting privileges to a [physician]
12 PRACTITIONER, the hospital has complied with the requirements of this subsection
13 and that, prior to renewing employment or privileges, the hospital has complied with
14 the requirements of this subsection.

15 [(4)] (7) If a hospital fails to establish or maintain a credentialling
16 process required under this subsection, the Secretary may impose the following
17 penalties:

18 (i) Delicensure of the hospital; or

19 (ii) \$500 per day for each day the violation continues.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2000.