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By: **Delegates Owings, Brown, and Boutin**  
Introduced and read first time: February 8, 2002  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals - Due Process - Certified Nurse Midwives**

3 FOR the purpose of establishing certain standards by which each hospital may grant  
4 clinical and admitting privileges to certain certified nurse midwives; prohibiting  
5 a hospital from denying a certified nurse midwife's application for certain  
6 privileges on the basis of certain credentials; requiring that certain due process  
7 rights be granted to certified nurse midwives by hospitals; and generally  
8 relating to due process for certified nurse midwives in hospitals.

9 BY repealing and reenacting, with amendments,  
10 Article - Health - General  
11 Section 19-319(e)  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2001 Supplement)

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

16 **Article - Health - General**

17 19-319.

18 (e) (1) As a condition of licensure, each hospital shall establish a  
19 credentialling process for the physicians who are employed by or who have staff  
20 privileges at the hospital.

21 (2) The Secretary shall, by regulation and in consultation with hospitals,  
22 physicians, interested community and advocacy groups, and representatives of the  
23 Maryland Defense Bar and Plaintiffs' Bar, establish minimum standards for a  
24 credentialling process which shall include:

25 (i) A formal written appointment process documenting the  
26 physician's education, clinical expertise, licensure history, insurance history, medical  
27 history, claims history, and professional experience.

1 (ii) A requirement that an initial appointment to staff not be  
2 complete until the physician has successfully completed a probationary period.

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

9 (3) AFTER CONSULTATION WITH CERTIFIED NURSE MIDWIVES, EACH  
10 HOSPITAL MAY GRANT ADMITTING AND CLINICAL PRIVILEGES TO CERTIFIED NURSE  
11 MIDWIVES THROUGH A PROCESS THAT INCLUDES THE MINIMUM STANDARDS  
12 REQUIRED UNDER IN PARAGRAPH (2) OF THIS SUBSECTION.

13 (4) A HOSPITAL MAY NOT DENY AN APPLICATION FOR ADMITTING OR  
14 CLINICAL PRIVILEGES OR RESTRICT OR TERMINATE THE MEMBERSHIP OR  
15 PRIVILEGES OF A CERTIFIED NURSE MIDWIFE SOLELY ON THE BASIS OF THE TYPE  
16 OF LICENSE, CERTIFICATION, OR OTHER AUTHORIZATION OF THE CERTIFIED NURSE  
17 MIDWIFE TO PROVIDE HEALTH CARE SERVICES IF THE HOSPITAL PROVIDES HEALTH  
18 CARE SERVICES WITHIN A CERTIFIED NURSE MIDWIFE'S LAWFUL SCOPE OF  
19 PRACTICE.

20 (5) THE MEDICAL STAFF BYLAWS SHALL PROVIDE THE FOLLOWING  
21 RIGHTS TO CERTIFIED NURSE MIDWIVES:

22 (I) NOTIFICATION IN WRITING OF ANY NEGATIVE DECISIONS  
23 REGARDING ADMITTING OR CLINICAL PRIVILEGES;

24 (II) A FULL AND COMPLETE WRITTEN STATEMENT OF THE  
25 REASONS WHY MEMBERSHIP OR PRIVILEGES WERE DENIED OR RESTRICTED;

26 (III) A FAIR HEARING WITH FINAL DECISION MAKING AUTHORITY  
27 GRANTED TO AN INDIVIDUAL NOT PREVIOUSLY INVOLVED IN THE MATTER BEING  
28 REVIEWED AT THE HEARING;

29 (IV) THE PRESENCE OF AN ATTORNEY AT A HEARING, ACCESS TO  
30 ALL DOCUMENTS RELEVANT TO THE APPLICANT IN THE CUSTODY AND CONTROL OF  
31 THE HOSPITAL, THE ABILITY TO CROSS-EXAMINE WITNESSES, AND A WRITTEN  
32 TRANSCRIPT OF A HEARING; AND

33 (V) A PROCESS TO APPEAL ADVERSE DECISIONS TO THE  
34 HOSPITAL'S GOVERNING BODY.

35 [(3)] (6) If requested by the Department, a hospital shall provide  
36 documentation that, prior to employing or granting privileges to a physician, the  
37 hospital has complied with the requirements of this subsection and that, prior to  
38 renewing employment or privileges, the hospital has complied with the requirements  
39 of this subsection.

1                    [(4)]    (7)    If a hospital fails to establish or maintain a credentialing  
2 process required under this subsection, the Secretary may impose the following  
3 penalties:

4                    (i)        Delicensure of the hospital; or

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

6        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2002.