

HOUSE BILL 1252

J2, C4

0lr1194

By: **Delegates Manno and Feldman**

Introduced and read first time: February 18, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Professional Liability Coverage – Requirements**

3 FOR the purpose of requiring physicians who perform certain services in the State in
4 certain settings to maintain certain minimum amounts of professional liability
5 insurance or attest that the physician has other certain coverage as a condition
6 of licensure and to notify the State Board of Physicians prior to cancellation of
7 the insurance or coverage; authorizing the Board to adopt certain regulations;
8 defining certain terms; providing for the application of certain provisions of this
9 Act; providing for the construction of certain provisions of this Act; and
10 generally relating to physicians and liability coverage.

11 BY adding to

12 Article – Health Occupations

13 Section 14–312.1

14 Annotated Code of Maryland

15 (2009 Replacement Volume)

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

18 **Article – Health Occupations**

19 **14–312.1.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED.

22 (2) “FREESTANDING AMBULATORY CARE FACILITY” HAS THE
23 MEANING STATED IN § 19–3B–01 OF THE HEALTH – GENERAL ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) (I) “SURGICAL SERVICES” MEANS ANY INVASIVE**
2 **PROCEDURE, WHETHER THERAPEUTIC OR DIAGNOSTIC, INVOLVING THE USE OF:**

3 **1. MICROSCOPIC, ENDOSCOPIC, ARTHROSCOPIC, OR**
4 **LAPAROSCOPIC EQUIPMENT; OR**

5 **2. A LASER FOR THE REMOVAL OR REPAIR OF AN**
6 **ORGAN OR OTHER TISSUE.**

7 **(II) “SURGICAL SERVICES” DOES NOT INCLUDE**
8 **OUTPATIENT SERVICES THAT:**

9 **1. ARE LIMITED TO THE SKIN AND MUCOUS**
10 **MEMBRANES;**

11 **2. DO NOT EXTEND DEEPER THAN THE SKIN AND**
12 **MUCOUS MEMBRANES; AND**

13 **3. ARE PERFORMED WITH LOCAL OR TOPICAL**
14 **ANESTHESIA.**

15 **(B) (1) THIS SECTION APPLIES TO A LICENSED PHYSICIAN WHO**
16 **PERFORMS OUTPATIENT SURGICAL SERVICES IN A FREESTANDING**
17 **AMBULATORY CARE FACILITY IN THE STATE.**

18 **(2) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO, OR TO**
19 **PREVENT THE RENDERING OF, EMERGENCY MEDICAL SERVICES BY A LICENSED**
20 **PHYSICIAN IN ACCORDANCE WITH § 5-603 OF THE COURTS ARTICLE.**

21 **(C) EACH LICENSED PHYSICIAN SUBJECT TO THIS SECTION SHALL:**

22 **(1) (I) MAINTAIN MEDICAL PROFESSIONAL LIABILITY**
23 **INSURANCE IN THE AMOUNTS OF:**

24 **1. \$1,000,000 PER OCCURRENCE OR CLAIM; AND**

25 **2. \$3,000,000 PER ANNUAL AGGREGATE; OR**

26 **(II) ATTEST THAT THE LICENSED PHYSICIAN IS COVERED BY**
27 **THE FEDERAL TORT CLAIMS ACT OR THE MARYLAND TORT CLAIMS ACT;**

28 **(2) HAVE INSURANCE OR COVERAGE DESCRIBED IN ITEM (1) OF**
29 **THIS SUBSECTION THAT IS APPROPRIATE FOR THE INDIVIDUAL PHYSICIAN’S**
30 **CIRCUMSTANCES; AND**

1 **(3) COMPLY WITH ANY REGULATIONS ADOPTED BY THE BOARD.**

2 **(D) IF THE INSURANCE OR COVERAGE REQUIRED BY SUBSECTION (C) OF**
3 **THIS SECTION IS CANCELED, THE LICENSED PHYSICIAN SHALL GIVE THE BOARD**
4 **NOTICE OF THE CANCELLATION AT LEAST 10 BUSINESS DAYS BEFORE THE**
5 **EFFECTIVE DATE OF THE CANCELLATION.**

6 **(E) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
7 **SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.