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**By: Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: January 17, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Medical Provider Entities - Medical Review Committees**

3 FOR the purpose of adding the Department of Health and Mental Hygiene to the list of  
4 entities that may convene a medical review committee; and generally relating to  
5 medical review committees.

6 BY repealing and reenacting, with amendments,  
7 Article - Health Occupations  
8 Section 14-501  
9 Annotated Code of Maryland  
10 (1994 Replacement Volume and 1995 Supplement)

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

13 **Article - Health Occupations**

14 14-501.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) (i) "Alternative health care system" means a system of health care  
17 delivery other than a hospital or related institution.

18 (ii) "Alternative health care system" includes:

- 19 1. A health maintenance organization;
- 20 2. A preferred provider organization;
- 21 3. An independent practice association; or
- 22 4. A community health center that is a nonprofit, freestanding  
23 ambulatory health care provider governed by a voluntary board of directors and that  
24 provides primary health care services to the medically indigent.

25 (3) "Medical review committee" means a committee or board that:

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1 (i) Is within one of the categories described in subsection (b) of this  
2 section; and

3 (ii) Performs any of the functions listed in subsection (c) of this  
4 section.

5 (4) (i) "Provider of health care" means any person who is licensed by law  
6 to provide health care to individuals.

7 (ii) "Provider of health care" does not include any nursing institution  
8 that is conducted by and for those who rely on treatment by spiritual means through  
9 prayer alone in accordance with the tenets and practices of a recognized church or  
10 religious denomination.

11 (5) "The Maryland Institute for Emergency Medical Services Systems"  
12 means the State agency described in § 13-1D-03 of the Education Article.

13 (b) For purposes of this section, a medical review committee is:

14 (1) A regulatory board or agency established by State or federal law to  
15 license, certify, or discipline any provider of health care;

16 (2) A committee of the Faculty or any of its component societies or a  
17 committee of any other professional society or association composed of providers of  
18 health care;

19 (3) A committee appointed by or established in THE DEPARTMENT OF  
20 HEALTH AND MENTAL HYGIENE OR a local health department for review purposes;

21 (4) A committee appointed by or established in the Maryland Institute for  
22 Emergency Medical Services Systems;

23 (5) A committee of the medical staff or other committee, including any risk  
24 management, credentialing, or utilization review committee established in accordance  
25 with § 19-319 of the Health - General Article, of a hospital, related institution, or  
26 alternative health care system, if the governing board of the hospital, related institution,  
27 or alternative health care system forms and approves the committee or approves the  
28 written bylaws under which the committee operates;

29 (6) Any person, including a professional standard review organization, who  
30 contracts with an agency of this State or of the federal government to perform any of the  
31 functions listed in subsection (c) of this section;

32 (7) Any person who contracts with a provider of health care to perform any  
33 of those functions listed in subsection (c) of this section that are limited to the review of  
34 services provided by the provider of health care;

35 (8) An organization, established by the Maryland Hospital Association, Inc.  
36 and the Faculty, that contracts with a hospital, related institution, or alternative delivery  
37 system to:

38 (i) Assist in performing the functions listed in subsection (c) of this  
39 section; or

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1 (ii) Assist a hospital in meeting the requirements of § 19-319(e) of the  
2 Health - General Article; or

3 (9) A committee appointed by or established in an accredited health  
4 occupations school.

5 (c) For purposes of this section, a medical review committee:

6 (1) Evaluates and seeks to improve the quality of health care provided by  
7 providers of health care;

8 (2) Evaluates the need for and the level of performance of health care  
9 provided by providers of health care;

10 (3) Evaluates the qualifications, competence, and performance of providers  
11 of health care; or

12 (4) Evaluates and acts on matters that relate to the discipline of any  
13 provider of health care.

14 (d) (1) Except as otherwise provided in this section, the proceedings, records,  
15 and files of a medical review committee are not discoverable and are not admissible in  
16 evidence in any civil action arising out of matters that are being reviewed and evaluated  
17 by the medical review committee.

18 (2) The proceedings, records, and files of a medical review committee  
19 requested by the Department of Health and Mental Hygiene to ensure compliance with  
20 the provisions of § 19-319 of the Health - General Article are confidential and are not  
21 discoverable and are not admissible in evidence in any civil action arising out of matters  
22 that are being reviewed and evaluated by the medical review committee.

23 (e) Subsection (d)(1) of this section does not apply to:

24 (1) A civil action brought by a party to the proceedings of the medical  
25 review committee who claims to be aggrieved by the decision of the medical review  
26 committee; or

27 (2) Any record or document that is considered by the medical review  
28 committee and that otherwise would be subject to discovery and introduction into  
29 evidence in a civil trial.

30 (f) A person shall have the immunity from liability described under § 5-393 of the  
31 Courts and Judicial Proceedings Article for any action as a member of the medical review  
32 committee or for giving information to, participating in, or contributing to the function of  
33 the medical review committee.

34 (g) Notwithstanding this section, §§ 14-410 and 14-412 of this title apply to:

35 (1) The Board; and

36 (2) Any other entity, to the extent that it is acting in an investigatory  
37 capacity for the Board.

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