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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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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 15, 1996

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CHAPTER \_\_\_\_

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; requiring the Department to  
5 prepare a certain report on an annual basis for a certain period of time; requiring  
6 the Department to make the report available to the public upon request; providing  
7 for the termination of certain provisions of this Act; and generally relating to  
8 medical review committees.

9 BY repealing and reenacting, with amendments,  
10 Article - Health Occupations  
11 Section 14-501  
12 Annotated Code of Maryland  
13 (1994 Replacement Volume and 1995 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 Occupations**

17 14-501.

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

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

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

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

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

8 (i) Is within one of the categories described in subsection (b) of this

9 section; and

10 (ii) Performs any of the functions listed in subsection (c) of this

11 section.

12 (4) (i) "Provider of health care" means any person who is licensed by law

13 to provide health care to individuals.

14 (ii) "Provider of health care" does not include any nursing institution

15 that is conducted by and for those who rely on treatment by spiritual means through

16 prayer alone in accordance with the tenets and practices of a recognized church or

17 religious denomination.

18 (5) "The Maryland Institute for Emergency Medical Services Systems"

19 means the State agency described in § 13-1D-03 of the Education Article.

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

21 (1) A regulatory board or agency established by State or federal law to

22 license, certify, or discipline any provider of health care;

23 (2) A committee of the Faculty or any of its component societies or a

24 committee of any other professional society or association composed of providers of

25 health care;

26 (3) A committee appointed by or established in ~~THE DEPARTMENT OF~~

27 ~~HEALTH AND MENTAL HYGIENE OR~~ a local health department for review purposes OR

28 IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE REVIEW OF

29 STATE FACILITIES OR PROGRAMS;

30 (4) A committee appointed by or established in the Maryland Institute for

31 Emergency Medical Services Systems;

32 (5) A committee of the medical staff or other committee, including any risk

33 management, credentialing, or utilization review committee established in accordance

34 with § 19-319 of the Health - General Article, of a hospital, related institution, or

35 alternative health care system, if the governing board of the hospital, related institution,

36 or alternative health care system forms and approves the committee or approves the

37 written bylaws under which the committee operates;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9                   (1) The Board; and

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

12                   SECTION 2. AND BE IT FURTHER ENACTED, That if the Department of  
13 Health and Mental Hygiene appoints or establishes a medical review committee under  
14 this Act, the Department shall compile a report on the quality improvement efforts of the  
15 committee on or before October 1 of each year and, upon request, make the report  
16 available to the public.

17                   SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
18 shall remain effective for a period of 5 years and, at the end of September 30, 2001, with  
19 no further action required by the General Assembly, Section 2 of this Act shall be  
20 abrogated and of no further force and effect.

21                   ~~SECTION 2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect October 1, 1996.