
By: Delegates Morhaim and Bonsack

Introduced and read first time: January 18, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Referral of Disciplinary Actions - Peer**
3 **Review**

4 FOR the purpose of authorizing the State Board of Physician Quality Assurance to refer
5 certain allegations of grounds for discipline of physicians to certain peer reviewers
6 under certain circumstances; and generally relating to the authority of the State
7 Board of Physician Quality Assurance to refer allegations of grounds for discipline
8 of physicians to peer reviewers other than the Medical and Chirurgical Faculty of
9 the State of Maryland.

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section 14-401(c)
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

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

17 **Article - Health Occupations**

18 14-401.

19 (c) (1) Except as otherwise provided in this subsection, after performing any
20 necessary preliminary investigation of an allegation of grounds for disciplinary or other
21 action, the Board may:

22 (i) Refer the allegation for further investigation to the Faculty; or

23 (ii) Take any appropriate and immediate action as necessary.

24 (2) (i) After performing any necessary preliminary investigation of an
25 allegation of grounds for disciplinary or other action, the Board shall refer any allegation
26 involving standards of medical care, as determined by the Board, and any allegation based
27 on § 14-404(a) (19) OF THIS TITLE FOR FURTHER INVESTIGATION AND PHYSICIAN
28 PEER REVIEW WITHIN THE APPROPRIATE MEDICAL SPECIALTY to [the]:

29 1. THE Faculty; OR

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1 2. IN NO MORE THAN 20% OF THE CASES EACH YEAR,
2 OTHER EXPERT PEER REVIEWERS, IF THE FACULTY DECLINES THE INVESTIGATION,
3 IF A CONFLICT MAY OCCUR AS A RESULT OF A REFERRAL TO THE FACULTY, OR IF
4 THE BOARD DETERMINES A NEED TO EXPEDITE A PEER REVIEW [for further
5 investigation and physician peer review within the involved medical specialty or
6 specialties].

7 (ii) The Faculty may refer the allegation for investigation and report to
8 the appropriate:

9 1. County medical society; or

10 2. Committee of the Faculty.

11 (3) If, after performing any necessary preliminary investigation, the Board
12 determines that an allegation involving fees for professional or ancillary services does not
13 constitute grounds for disciplinary or other action, the Board shall offer the complainant
14 and the licensee an opportunity to mediate the dispute.

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