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**By: Senator Teitelbaum**

Introduced and read first time: February 12, 1996

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Disciplinary Actions**

3 FOR the purpose of allowing the State Board of Physician Quality Assurance to enter  
4 into an agreement for corrective action with a licensee after performing certain  
5 preliminary investigations and determining that deficiencies exist; providing  
6 procedures for corrective action agreements; and generally relating to the State  
7 Board of Physician Quality Assurance and disciplinary actions.

8 BY repealing and reenacting, without amendments,  
9 Article - Health Occupations  
10 Section 14-401(a) and (b)  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Health Occupations  
15 Section 14-401(c)  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1995 Supplement)

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

20 **Article - Health Occupations**

21 14-401.

22 (a) The Board shall perform any necessary preliminary investigation before the  
23 Board refers to an investigatory body an allegation of grounds for disciplinary or other  
24 action brought to its attention.

25 (b) If an allegation of grounds for disciplinary or other action is made by a patient  
26 or a family member of a patient in a standard of care case and a full investigation results  
27 from that allegation, the full investigation shall include an offer of an interview with the  
28 patient or a family member of the patient who was present on or about the time that the  
29 incident that gave rise to the allegation occurred.

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

4 (i) Refer the allegation for further investigation to the Faculty; [or]

5 (ii) Take any appropriate and immediate action as necessary; OR

6 (III) COME TO AN AGREEMENT FOR CORRECTIVE ACTION WITH A  
7 LICENSEE PURSUANT TO PARAGRAPH (4) OF THIS SUBSECTION.

8 (2) (i) After performing any necessary preliminary investigation of an  
9 allegation of grounds for disciplinary or other action, the Board shall refer any allegation  
10 involving standards of medical care, as determined by the Board, and any allegation based  
11 on § 14-404(a)(19) to the Faculty for further investigation and physician peer review  
12 within the involved medical specialty or specialties.

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

15 1. County medical society; or

16 2. Committee of the Faculty.

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

21 (4) (I) IF THE BOARD DETERMINES THAT AN AGREEMENT FOR  
22 CORRECTIVE ACTION IS WARRANTED, THE BOARD SHALL NOTIFY THE LICENSEE OF  
23 THE IDENTIFIED DEFICIENCIES AND ENTER INTO AN AGREEMENT FOR CORRECTIVE  
24 ACTION, WHICH MAY NOT BE MADE PUBLIC AND WHICH SHALL NOT BE  
25 CONSIDERED A DISCIPLINARY ACTION FOR PURPOSES OF THIS SUBTITLE.

26 (II) THE BOARD SHALL SUBSEQUENTLY EVALUATE THE LICENSEE  
27 AND SHALL:

28 1. TERMINATE THE CORRECTIVE ACTION IF THE BOARD IS  
29 SATISFIED THAT THE LICENSEE IS IN COMPLIANCE WITH THE AGREEMENT FOR  
30 CORRECTIVE ACTION AND HAS CORRECTED THE DEFICIENCIES; OR

31 2. PURSUE DISCIPLINARY ACTION UNDER § 14-404 OF THIS  
32 SUBTITLE IF THE DEFICIENCIES PERSIST OR THE LICENSEE HAS FAILED TO COMPLY  
33 WITH THE AGREEMENT FOR CORRECTIVE ACTION.

34 (III) THE BOARD SHALL PROVIDE A SUMMARY OF THE  
35 CORRECTIVE ACTION AGREEMENTS IN THE EXECUTIVE DIRECTOR'S REPORT OF  
36 BOARD ACTIVITIES.

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