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**By: Senator Teitelbaum**

Introduced and read first time: February 12, 1996

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 14, 1996

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 1996

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CHAPTER \_\_\_\_

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 and patient safety  
6 is not an issue; providing procedures for corrective action agreements; and generally  
7 relating to the State 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:

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1                   **Article - Health Occupations**

2 14-401.

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

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

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

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

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

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

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

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

25   1. County medical society; or

26   2. Committee of the Faculty.

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

31                  (4) (I) IF THE BOARD DETERMINES THAT AN AGREEMENT FOR  
32 CORRECTIVE ACTION IS WARRANTED AND PATIENT SAFETY IS NOT AN ISSUE, THE  
33 BOARD SHALL NOTIFY THE LICENSEE OF THE IDENTIFIED DEFICIENCIES AND  
34 ENTER INTO AN AGREEMENT FOR CORRECTIVE ACTION, WHICH MAY NOT BE MADE  
35 PUBLIC AND WHICH SHALL NOT BE CONSIDERED A DISCIPLINARY ACTION FOR  
36 PURPOSES OF THIS SUBTITLE.

37                               (II) THE BOARD SHALL SUBSEQUENTLY EVALUATE THE LICENSEE  
38 AND SHALL:

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

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

7                               (III) THE BOARD SHALL PROVIDE A SUMMARY OF THE  
8 CORRECTIVE ACTION AGREEMENTS IN THE EXECUTIVE DIRECTOR'S REPORT OF  
9 BOARD ACTIVITIES.

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