

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 904

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 31 down through “media;” in line 33; and in line 35, after “media” insert “and study a certain issue related to the acquisition of certain criminal background record information”.

On page 3, after line 10, insert:

“BY repealing and reenacting, with amendments,

Article - Insurance

Section 4-401(f)

Annotated Code of Maryland

(1995 Volume and 1996 Supplement)

(As enacted by Chapter 36 of the Acts of the General Assembly of 1995 and by Chapter _____ (H.B. 387) of the Acts of the General Assembly of 1997)”.

On page 4, in lines 19 and 20, strike “; AND” and substitute a period.

On page 10, in line 18, strike “SUBTITLE” and substitute “TITLE”.

On page 13, in line 36, strike “ARTICLE” and substitute “TITLE”.

On page 18, in line 36, after “health” insert “CARE”.

AMENDMENT NO. 2

On page 14, strike in their entirety lines 3 through 5, inclusive; in line 6, strike “(5)” and substitute “(4)”; strike in their entirety lines 11 through 17, inclusive; in lines 18, 20, 23, and 37, strike “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(1)”, “(2)”, “(3)”, and “(4)”,

(Over)

respectively; and in line 38, strike the colon and substitute “, ANY MEDICAL MALPRACTICE COURT JUDGMENT AGAINST A LICENSEE AND ANY MEDICAL MALPRACTICE ARBITRATION AWARD INVOLVING A LICENSEE IN WHICH:

(I) A PAYMENT IS AWARDED TO A COMPLAINING PARTY AGAINST THE LICENSEE; OR

(II) A PAYMENT IS MADE TO A COMPLAINING PARTY BY A LICENSEE AS A RESULT OF A SETTLEMENT OF THE MEDICAL MALPRACTICE CLAIM;”.

On page 15, strike in their entirety lines 1 through 11, inclusive; in lines 12, 14, 15, 16, 17, 20, 29, 31, and 33, strike “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, and “(15)”, respectively, and substitute “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively; and in lines 33 and 34, strike “STATE MEDICAL CARE PROGRAM” and substitute “MARYLAND MEDICAL ASSISTANCE PROGRAM”.

AMENDMENT NO. 3

On page 16, in line 2, strike “SUBSECTION (A)(12)” and substitute “SUBSECTION (B)(10)”; in line 18, strike “INFORMATION” and substitute “THE INFORMATION SPECIFIED”; in the same line, strike “SUBSECTION (B)(6)” and substitute “SUBSECTION (B)(4)”; in line 19, after the second “BOARD” insert “: (I)”; in line 20, before “AMOUNT” insert “EXACT”; in line 21, after “CLAIM” insert “; (II) DOES NOT DISCLOSE TO THE PUBLIC INFORMATION CONCERNING A PENDING MEDICAL MALPRACTICE CLAIM AGAINST A LICENSEE; AND

(III) ONLY DISCLOSES INFORMATION CONCERNING THE DISPOSITION OF PAID MEDICAL MALPRACTICE CLAIMS THAT:

1. CATEGORIZES CLAIMS IN A MINIMUM OF THREE GRADUATED CATEGORIES TO INDICATE THE LEVEL OF SIGNIFICANCE OF THE AWARD OR SETTLEMENT;

2. IDENTIFIES THE CONTEXT IN WHICH THE PAYMENT OF A CLAIM BY COMPARING THE MEDICAL MALPRACTICE JUDGMENT AWARD OR

SETTLEMENT CONCERNING THE LICENSEE AGAINST THE EXPERIENCE OF OTHER LICENSEES OF THE SAME SPECIALTY; AND

3. IS ACCOMPANIED BY THE FOLLOWING STATEMENT:

“SETTLEMENT OF A CLAIM MAY OCCUR FOR A VARIETY OF REASONS THAT DO NOT NECESSARILY REFLECT NEGATIVELY ON THE PROFESSIONAL COMPETENCE OR CONDUCT OF THE PHYSICIAN. A PAYMENT IN SETTLEMENT OF A MEDICAL MALPRACTICE ACTION OR CLAIM SHOULD NOT BE CONSTRUED AS CREATING A PRESUMPTION THAT MEDICAL MALPRACTICE HAS OCCURRED.””

AMENDMENT NO. 4

On page 19, strike in their entirety lines 29 through 34, inclusive, and substitute:

“Article - Insurance

4-401.

(f) (1) [Subject] EXCEPT INFORMATION THAT IS RELEASED ONLY IN ACCORDANCE WITH § 14-411.1 OF THE HEALTH OCCUPATIONS ARTICLE AND SUBJECT to paragraph (2) of this subsection, a report filed in accordance with this section shall be treated as a personal record under § 10-624(c) of the State Government Article.

(2) Each report shall be released to the Maryland Health Care Access and Cost Commission.”;

and in line 35, strike “3.” and substitute “2.”

On page 20, after line 4, insert:

“(2) Study the issue of obtaining criminal background record information on physicians to determine the most efficient means of collecting the data; and”;

(Over)

in line 5, strike “(2)” and substitute “(3)”; and in lines 13 and 15, strike “4.” and “5.”, respectively, and substitute “3.” and “4.”, respectively.