
By: Delegate Schisler

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Medical Review Committees**

3 FOR the purpose of altering the discoverability and admissibility of the proceedings,
4 records, and files of a medical review committee; providing for the immediate
5 appealability of certain discovery orders concerning the proceedings, records, and
6 files of a medical review committee and the staying of those orders pending appeal;
7 altering the definition of a certain term; and generally relating to medical review
8 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 1996 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:

- 22 1. A health maintenance organization;
- 23 2. A preferred provider organization;
- 24 3. An independent practice association; [or]
- 25 4. A community health center that is a nonprofit, freestanding
26 ambulatory health care provider governed by a voluntary board of directors and that
27 provides primary health care services to the medically indigent[.]; OR

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1 5. ANY OTHER HEALTH CARE DELIVERY SYSTEM THAT
2 UTILIZES A MEDICAL REVIEW COMMITTEE.

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

4 (i) Is within one of the categories described in subsection (b) of this
5 section; and

6 (ii) Performs any of the functions listed in subsection (c) of this
7 section.

8 (4) (i) "Provider of health care" means any person who is licensed by law
9 to provide health care to individuals.

10 (ii) "Provider of health care" does not include any nursing institution
11 that is conducted by and for those who rely on treatment by spiritual means through
12 prayer alone in accordance with the tenets and practices of a recognized church or
13 religious denomination.

14 (5) "The Maryland Institute for Emergency Medical Services Systems"
15 means the State agency described in § 13-1D-03 of the Education Article.

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

17 (1) A regulatory board or agency established by State or federal law to
18 license, certify, or discipline any provider of health care;

19 (2) A committee of the Faculty or any of its component societies or a
20 committee of any other professional society or association composed of providers of
21 health care;

22 (3) A committee appointed by or established in a local health department
23 for review purposes;

24 (4) A committee appointed by or established in the Maryland Institute for
25 Emergency Medical Services Systems;

26 (5) A committee of the medical staff or other committee, including any risk
27 management, credentialing, or utilization review committee established in accordance
28 with § 19-319 of the Health - General Article, of a hospital, related institution, or
29 alternative health care system, if the governing board of the hospital, related institution,
30 or alternative health care system forms and approves the committee or approves the
31 written bylaws under which the committee operates;

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

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

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

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

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

8 (9) A committee appointed by or established in an accredited health
9 occupations school; or

10 (10) An organization described under § 14-501.1 of this subtitle that
11 contracts with a hospital, related institution, or health maintenance organization to:

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

14 (ii) Assist a health maintenance organization in meeting the
15 requirements of Title 19, Subtitle 7 of the Health - General Article, the National
16 Committee for Quality Assurance (NCQA), or any other applicable credentialing law or
17 regulation.

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

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

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

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

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

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

31 (2) The proceedings, records, and files of a medical review committee are
32 confidential and are not discoverable and are not admissible in evidence in any civil
33 action arising out of matters that are being reviewed and evaluated by the medical review
34 committee if requested by the following:

35 (i) The Department of Health and Mental Hygiene to ensure
36 compliance with the provisions of § 19-319 of the Health - General Article;

37 (ii) A health maintenance organization to ensure compliance with the
38 provisions of Title 19, Subtitle 7 of the Health - General Article and applicable
39 regulations; or

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1 (iii) A health maintenance organization to ensure compliance with the
2 National Committee for Quality Assurance (NCQA) credentialing requirements.

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

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

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

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

14 (G) AN ORDER GRANTING DISCOVERY OF PROCEEDINGS, RECORDS, OR FILES
15 OF A MEDICAL REVIEW COMMITTEE SHALL BE IMMEDIATELY APPEALABLE AND
16 SHALL BE STAYED PENDING APPEAL.

17 [(g)] (H) Notwithstanding this section, §§ 14-410 and 14-412 of this title apply to:

18 (1) The Board; and

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1997.