
By: Delegate Schisler

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER ____

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (2) The proceedings, records, and files of a medical review committee are
38 confidential and are not discoverable and are not admissible in evidence in any civil

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1 action arising out of matters that are being reviewed and evaluated by the medical review
2 committee if requested by the following:

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

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

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

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

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

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

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

21 ~~(G) AN ORDER GRANTING DISCOVERY OF PROCEEDINGS, RECORDS, OR FILES~~
22 ~~OF A MEDICAL REVIEW COMMITTEE SHALL BE IMMEDIATELY APPEALABLE AND~~
23 ~~SHALL BE STAYED PENDING APPEAL.~~

24 ~~{(g)}~~ ~~(H)~~ Notwithstanding this section, §§ 14-410 and 14-412 of this title apply to:

25 (1) The Board; and

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

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