
By: Delegate Heller

Introduced and read first time: February 19, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Dissemination of Physician Profiles**

3 FOR the purpose of requiring the State Board of Physician Quality Assurance to collect
4 certain information about licensed physicians in the State and, on request, to
5 disseminate that information to the public in a certain format; requiring the clerk of
6 a court in the State to submit certain information and documents to the Board at a
7 certain time; providing that certain authority of the Board concerning the disclosure
8 of certain information about physician licensees does not limit certain authority of
9 the Board under this Act; requiring the Board to provide each physician licensee
10 with a certain option at the time the Board collects certain information and, before
11 release of a certain profile, with a copy of a certain profile and an opportunity to
12 make a certain correction; providing that the obligation of the Board to disseminate
13 certain information in a certain manner does not limit certain authority of the
14 Board; repealing a certain requirement limiting the type of criminal offense for
15 which a court must report a conviction or certain pleas to the Board; providing that
16 a certain prohibition against the subpoena or discovery of a certain report made by
17 hospitals and certain other entities does not limit certain authority of the Board
18 concerning the dissemination of certain information; providing that certain
19 authority of the Board does not authorize the Board to disseminate certain
20 information by certain electronic media before a certain date; requiring the Board
21 to study a certain impact of publication of physician profiles by electronic media and
22 to submit a certain report to certain legislative committees by a certain date;
23 defining a term; and generally relating to the public dissemination of certain
24 information about physicians.

25 BY adding to

26 Article - Courts and Judicial Proceedings
27 Section 2-207
28 Annotated Code of Maryland
29 (1995 Replacement Volume and 1996 Supplement)

30 BY repealing and reenacting, without amendments,

31 Article - Health Occupations
32 Section 14-101(a), (b), (e), (f), and (h)
33 Annotated Code of Maryland

2

1 (1994 Replacement Volume and 1996 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Health Occupations

4 Section 14-411, 14-413, and 14-414

5 Annotated Code of Maryland

6 (1994 Replacement Volume and 1996 Supplement)

7 BY adding to

8 Article - Health Occupations

9 Section 14-411.1

10 Annotated Code of Maryland

11 (1994 Replacement Volume and 1996 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 2-207.

16 (A) IN THIS SECTION, "CONVICTED" MEANS THE ENTRY OF A PLEA OF GUILTY
17 OR AN ADJUDICATION OF GUILT BY A COURT OF COMPETENT JURISDICTION.

18 (B) THE CLERK OF A COURT SHALL:

19 (1) WITHIN 10 DAYS AFTER A PERSON LICENSED TO PRACTICE
20 MEDICINE IN THE STATE IS CONVICTED IN THAT COURT OF ANY CRIME OR AFTER A
21 PERSON IS CONVICTED OF VIOLATING § 14-601 OR § 14-602 OF THE HEALTH
22 OCCUPATIONS ARTICLE:

23 (I) REPORT THE CONVICTION TO THE STATE BOARD OF
24 PHYSICIAN QUALITY ASSURANCE; AND

25 (II) SUBMIT TO THE STATE BOARD OF PHYSICIAN QUALITY
26 ASSURANCE A COPY OF THE PROCEEDINGS OF THE COURT CONCERNING THAT
27 PERSON; AND

28 (2) WITHIN 10 DAYS AFTER A PERSON WHO IS LICENSED TO PRACTICE
29 MEDICINE IN THIS STATE PLEADS NOLO CONTENDERE TO A CRIMINAL CHARGE OR
30 IS PLACED BY THE COURT ON PROBATION BEFORE JUDGMENT UNDER ARTICLE 27, §
31 641 OF THE CODE:

32 (I) REPORT THE PLEA OR ORDER OF PROBATION TO THE STATE
33 BOARD OF PHYSICIAN QUALITY ASSURANCE; AND

34 (II) SUBMIT TO THE STATE BOARD OF PHYSICIAN QUALITY
35 ASSURANCE A COPY OF THE PROCEEDINGS OF THE COURT CONCERNING THAT
36 PERSON.

3

1 **Article - Health Occupations**

2 14-101.

3 (a) In this title the following words have the meanings indicated.

4 (b) "Board" means the State Board of Physician Quality Assurance.

5 (c) "Hospital" has the meaning stated in § 19-301 of the Health - General
6 Article.

7 (f) "License" means, unless the context requires otherwise, a license issued by the
8 Board to practice medicine.

9 (h) "Licensee" means an individual to whom a license is issued, including an
10 individual practicing medicine within or as a professional corporation or professional
11 association.

12 14-411.

13 (a) In this section, "record" means the proceedings, records, or files of the Board.

14 (b) Except as otherwise expressly provided in this section, the Board or any of its
15 investigatory bodies may not disclose any information contained in a record.

16 (c) Nothing in this section shall be construed to prevent or limit the disclosure of:

17 (1) [general] GENERAL licensure, certification, or registration information
18 maintained by the Board, if the request for release complies with the criteria of §
19 10-617(h) of the State Government Article; OR

20 (2) AS TO A LICENSEE, ANY INFORMATION THAT § 14-411.1 OF THIS
21 SUBTITLE REQUIRES THE BOARD TO DISCLOSE.

22 (d) The Board shall disclose any information contained in a record to a committee
23 of a hospital, health maintenance organization, or related institution if:

24 (1) The committee of a medical hospital staff concerned with physician
25 discipline or other committee of a hospital, health maintenance organization, or related
26 institution requests the information in writing;

27 (2) The Board has issued an order as to a licensed physician on whom the
28 information is requested; and

29 (3) The Board determines that the information requested is necessary for an
30 investigation or action of the committee as to a medical privilege of a licensed physician.

31 (e) (1) The Board shall notify all hospitals, health maintenance organizations,
32 or other health care facilities where a physician or an allied health professional regulated
33 by the Board has privileges, has a provider contract with a health maintenance
34 organization, or is employed of a complaint or report filed against that physician, if:

35 (i) The Board determines, in its discretion, that the hospital, health
36 maintenance organization, or health care facility should be informed about the report or
37 complaint;

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1 (ii) The nature of the complaint suggests a reasonable possibility of an
2 imminent threat to patient safety; or

3 (iii) The complaint or report was as a result of a claim filed in the
4 Health Claims Arbitration Office and a certificate of a qualified expert is filed in
5 accordance with § 3-2A-04(b)(1) of the Courts Article.

6 (2) The Board shall disclose any information pertaining to a physician's
7 competency to practice medicine contained in record to a committee of a hospital, health
8 maintenance organization, or other health care facility if:

9 (i) The committee is concerned with physician discipline and requests
10 the information in writing; and

11 (ii) The Board has received a complaint or report pursuant to
12 paragraph (1)(i) and (ii) of this subsection on the licensed physician on whom the
13 information is requested.

14 (3) The Board shall, after formal action is taken pursuant to § 14-406 of this
15 subtitle, notify those hospitals, health maintenance organizations, or health care facilities
16 where the physician has privileges, has a provider contract with a health maintenance
17 organization, or is employed of its formal action within 10 days after the action is taken
18 and shall provide the hospital, health maintenance organization, or health care facility
19 with periodic reports as to enforcement or monitoring of a formal disciplinary order
20 against a physician within 10 days after receipt of those reports.

21 (f) On the request of a person who has made a complaint to the Board regarding
22 a physician, the Board shall provide the person with information on the status of the
23 complaint.

24 (g) Following the filing of charges or notice of initial denial of license application,
25 the Board shall disclose the filing to the public.

26 (h) The Board may disclose any information contained in a record to a licensing
27 or disciplinary authority of another state if:

28 (1) The licensing or disciplinary authority of another state that regulates
29 licensed physicians in that state requests the information in writing; and

30 (2) The disclosure of any information is limited to the pendency of an
31 allegation of a ground for disciplinary or other action by the Board until:

32 (i) The Board has passed an order under § 14-406 of this subtitle; or

33 (ii) A licensed physician on whom the information is requested
34 authorizes a disclosure as to the facts of an allegation or the results of an investigation
35 before the Board.

36 (i) The Board may disclose any information contained in a record to a person if:

37 (1) A licensed physician on whom any information is requested authorizes
38 the person to receive the disclosure;

39 (2) The person requests the information in writing; and

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1 (3) The authorization for the disclosure is in writing.

2 (j) The Board may disclose any information contained in a record to the State
3 Medical Assistance Compliance Administration, the Secretary of the U.S. Department of
4 Health and Human Services or the Secretary's designee, or any health occupational
5 regulatory board if:

6 (1) (i) The State Medical Assistance Compliance Administration or any
7 health occupational regulatory board requests the information in writing; or

8 (ii) The Secretary of the U.S. Department of Health and Human
9 Services or the Secretary's designee is entitled to receive the information or have access
10 to the information under 42 U.S.C. § 1396R-2.

11 (2) (i) The Board has issued an order under § 14-406 of this subtitle; or

12 (ii) An allegation is pending before the Board; and

13 (3) The Board determines that the requested information is necessary for
14 the proper conduct of the business of that administration or board.

15 (k) If the Board determines that the information contained in a record concerns
16 possible criminal activity of a licensed physician, the Board shall disclose the information
17 to a law enforcement or prosecutorial official.

18 (l) The Board may permit inspection of records for which inspection otherwise is
19 not authorized by a person who is engaged in a research project if:

20 (1) The researcher submits to the Executive Director and the Board
21 approves a written request that:

22 (i) Describes the purpose of the research project;

23 (ii) Describes the intent, if any, to publish the findings;

24 (iii) Describes the nature of the requested personal records;

25 (iv) Describes the safeguards that the researcher would take to protect
26 the identity of the persons in interest; and

27 (v) States that persons in interest will not be contacted unless the
28 Executive Director approves and monitors the contact;

29 (2) The Executive Director is satisfied that the proposed safeguards will
30 prevent the disclosure of the identity of persons in interest; and

31 (3) The researcher makes an agreement with the Executive Director that:

32 (i) Defines the scope of the research project;

33 (ii) Sets out the safeguards for protecting the identity of the persons in
34 interest; and

35 (iii) States that a breach of any condition of the agreement is a breach
36 of contract.

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1 (m) (1) The Board may publish a summary of any allegations of grounds for
2 disciplinary or other action.

3 (2) A summary may not identify:

4 (i) Any person who makes an allegation to the Board or any of its
5 investigatory bodies;

6 (ii) A licensed physician about whom an allegation is made; or

7 (iii) A witness in an investigation or a proceeding before the Board or
8 any of its investigatory bodies.

9 (n) The Board shall disclose information in a record upon the request of the
10 Governor, Secretary, or Legislative Auditor, in accordance with § 2-1218(a) of the State
11 Government Article. However, the Governor, Secretary, or Auditor, or any of their
12 employees may not disclose personally identifiable information from any of these records
13 which are otherwise confidential by law.

14 (o) This section does not apply to:

15 (1) Any disclosure of a record by the Board to any of its investigatory
16 bodies; or

17 (2) A licensee, certificate holder, or registration holder who has been
18 charged under this title or a party to a proceeding before the Board who claims to be
19 aggrieved by the decision of the Board.

20 (p) If any information contained in any medical or hospital document or any other
21 exhibit is otherwise open for disclosure under law, the use of that document or exhibit in
22 any record of the Board or any of its investigatory bodies does not prevent its disclosure
23 in any other proceeding.

24 14-411.1.

25 (A) IN THIS SECTION, "ALTERNATIVE HEALTH SYSTEM" HAS THE MEANING
26 STATED IN § 14-414(A) OF THIS SUBTITLE.

27 (B) FOR THE PURPOSE OF CREATING AN INDIVIDUAL PROFILE ON EACH
28 LICENSEE, THE BOARD SHALL COLLECT INFORMATION ABOUT:

29 (1) ANY CRIMINAL CONVICTION OF THE LICENSEE WITHIN THE MOST
30 RECENT 10 YEAR PERIOD OF A FELONY AND, AS DETERMINED BY THE BOARD, A
31 SERIOUS MISDEMEANOR;

32 (2) ANY CHARGE TO WHICH THE LICENSEE PLEADS NOLO
33 CONTENDERE OR WHERE A COURT OF COMPETENT JURISDICTION PLACES THE
34 LICENSEE ON PROBATION BEFORE JUDGMENT UNDER ARTICLE 27, § 641 OF THE
35 CODE;

36 (3) ANY FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST
37 THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD;

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1 (4) ANY FINAL DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD
2 IN ANY OTHER STATE OR JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST
3 RECENT 10-YEAR PERIOD;

4 (5) WITHIN THE MOST RECENT 10-YEAR PERIOD:

5 (I) ANY REVOCATION OR INVOLUNTARY RESTRICTION OF THE
6 MEDICAL PRIVILEGES OF THE LICENSEE BY THE GOVERNING BODY OR ANY OTHER
7 OFFICIAL OF A HOSPITAL OR AN ALTERNATIVE HEALTH SYSTEM IF:

8 1. THE REASON FOR THE REVOCATION OR INVOLUNTARY
9 RESTRICTION RELATES TO THE COMPETENCE OR CHARACTER OF THE LICENSEE;
10 AND

11 2. THE GOVERNING BODY OR OTHER OFFICIAL OF THE
12 HOSPITAL OR ALTERNATIVE HEALTH SYSTEM AFFORDED THE LICENSEE
13 PROCEDURAL DUE PROCESS; AND

14 (II) ANY RESIGNATION OF THE LICENSEE FROM, OR ANY
15 NONRENEWAL OF THE MEDICAL STAFF MEMBERSHIP OF THE LICENSEE OR THE
16 RESTRICTION OF THE MEDICAL PRIVILEGES OF THE LICENSEE AT, A HOSPITAL OR
17 AN ALTERNATIVE HEALTH SYSTEM IF:

18 1. THE RESIGNATION, NONRENEWAL, OR RESTRICTION
19 OCCURRED INSTEAD OR IN SETTLEMENT OF A PENDING DISCIPLINARY ACTION
20 AGAINST THE LICENSEE; AND

21 2. THE DISCIPLINARY ACTION RELATED TO THE
22 COMPETENCE OR CHARACTER OF THE LICENSEE IN THAT HOSPITAL;

23 (6) SUBJECT TO SUBSECTION (E) OF THIS SECTION, ANY MEDICAL
24 MALPRACTICE COURT JUDGMENT AGAINST THE LICENSEE AND ANY MEDICAL
25 MALPRACTICE ARBITRATION AWARD INVOLVING THE LICENSEE IN WHICH, WITHIN
26 THE MOST RECENT 10-YEAR PERIOD:

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

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

31 (7) THE NAMES OF MEDICAL SCHOOLS THAT THE LICENSEE ATTENDED
32 AND THE DATES ON WHICH THE LICENSEE GRADUATED FROM THOSE SCHOOLS;

33 (8) ANY GRADUATE MEDICAL EDUCATION OF THE LICENSEE;

34 (9) ANY SPECIALTY BOARD CERTIFICATION OF THE LICENSEE;

35 (10) THE NUMBER OF YEARS THE LICENSEE HAS PRACTICED MEDICINE;

36 (11) THE NAMES OF THE HOSPITALS WHERE THE LICENSEE HAS
37 MEDICAL PRIVILEGES;

38 (12) SUBJECT TO SUBSECTION (D) OF THIS SECTION:

8

1 (I) ANY APPOINTMENT OF THE LICENSEE WITHIN THE MOST
2 RECENT 10-YEAR PERIOD TO A MEDICAL SCHOOL FACULTY AND, IN THAT
3 CAPACITY, WHETHER THE LICENSEE HAS OR HAS HAD RESPONSIBILITY FOR
4 GRADUATE MEDICAL EDUCATION;

5 (II) ANY PUBLICATIONS BY THE LICENSEE WITHIN THE MOST
6 RECENT 10-YEAR PERIOD IN PEER-REVIEWED MEDICAL LITERATURE; AND

7 (III) ANY PROFESSIONAL OR COMMUNITY SERVICE ACTIVITIES
8 AND AWARDS OF THE LICENSEE;

9 (13) THE LOCATION OF THE PRIMARY PRACTICE SETTING OF THE
10 LICENSEE;

11 (14) WHETHER THE LICENSEE MAINTAINS ANY TRANSLATING SERVICE
12 AT THE PRIMARY PRACTICE SETTING OF THE LICENSEE; AND

13 (15) WHETHER THE LICENSEE PARTICIPATES IN THE STATE MEDICAL
14 CARE PROGRAM.

15 (C) THE BOARD SHALL:

16 (1) CREATE A CLEAR, READABLE, AND CONCISE FORMAT FOR THE
17 DISSEMINATION OF INFORMATION IT COLLECTS UNDER SUBSECTION (B) OF THIS
18 SECTION; AND

19 (2) ON REQUEST BY A PERSON, THE BOARD SHALL DISSEMINATE THE
20 INFORMATION IT COLLECTS UNDER SUBSECTION (B) OF THIS SECTION TO THAT
21 PERSON.

22 (D) THE BOARD SHALL PROVIDE EACH LICENSEE WITH:

23 (1) AT THE TIME THE BOARD COLLECTS THE INFORMATION SPECIFIED
24 IN SUBSECTION (B)(12) OF THIS SECTION, THE OPTION OF ELECTING TO HAVE THAT
25 INFORMATION OMITTED FROM THE INDIVIDUAL PROFILE OF THE LICENSEE; AND

26 (2) BEFORE RELEASE OF THE INDIVIDUAL PROFILE OF THE LICENSEE
27 UNDER SUBSECTION (C)(2) OF THIS SECTION:

28 (I) A COPY OF THE INDIVIDUAL PROFILE OF THE LICENSEE; AND

29 (II) A REASONABLE PERIOD OF TIME TO CORRECT A FACTUAL
30 INACCURACY THAT MAY APPEAR IN THE INDIVIDUAL PROFILE OF THE LICENSEE.

31 (E) (1) THIS SUBSECTION DOES NOT LIMIT THE AUTHORITY OF THE BOARD:

32 (I) TO PROVIDE EXPLANATORY INFORMATION, IN ADDITION TO
33 THAT REQUIRED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, CONCERNING THE
34 SIGNIFICANCE OF THE CATEGORIES IN WHICH THE BOARD DISSEMINATES
35 INFORMATION TO THE PUBLIC ABOUT SETTLEMENTS INVOLVING A LICENSEE;

36 (II) TO INVESTIGATE AND DISCIPLINE A LICENSEE ON THE BASIS
37 OF A MEDICAL MALPRACTICE CLAIM THAT IS PENDING AGAINST THE LICENSEE; OR

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1 (III) TO DISCLOSE INFORMATION THAT § 14-411(F) AND (G) OF THIS
2 SUBTITLE REQUIRES THE BOARD TO DISCLOSE.

3 (2) IN DISSEMINATING TO THE PUBLIC INFORMATION THAT THE BOARD
4 COLLECTS UNDER SUBSECTION (B)(6) OF THIS SECTION, THE BOARD SHALL:

5 (I) CONCERNING THE DISPOSITION OF PAID MEDICAL
6 MALPRACTICE CLAIMS, CATEGORIZE THE CLAIMS IN A MINIMUM OF THREE
7 GRADUATED CATEGORIES TO INDICATE THE LEVEL OF SIGNIFICANCE OF THE
8 AWARD OR SETTLEMENT;

9 (II) IDENTIFY THE CONTEXT IN WHICH THE PAYMENT OF A
10 MEDICAL MALPRACTICE CLAIM OCCURS BY COMPARING THE MEDICAL
11 MALPRACTICE JUDGMENT AWARD OR SETTLEMENT CONCERNING THE LICENSEE
12 AGAINST THE EXPERIENCE OF OTHER LICENSEES OF THE SAME SPECIALTY;

13 (III) ENSURE THAT THE BOARD DOES NOT DISCLOSE TO THE
14 PUBLIC INFORMATION ABOUT A PENDING MALPRACTICE CLAIM AGAINST A
15 LICENSEE; AND

16 (IV) ENSURE THAT INFORMATION CONCERNING A MALPRACTICE
17 SETTLEMENT IS ACCOMPANIED BY THE FOLLOWING STATEMENT:

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

23 14-413.

24 (a) (1) Every 6 months, each hospital and related institution shall file with the
25 Board a report that:

26 (i) Contains the name of each licensed physician who, during the 6
27 months preceding the report:

- 28 1. Is employed by the hospital or related institution;
- 29 2. Has privileges with the hospital or related institution; and
- 30 3. Has applied for privileges with the hospital or related
31 institution; and

32 (ii) States whether, as to each licensed physician, during the 6 months
33 preceding the report:

- 34 1. The hospital or related institution denied the application of a
35 physician for staff privileges or limited, reduced, otherwise changed, or terminated the
36 staff privileges of a physician, or the physician resigned whether or not under formal
37 accusation, if the denial, limitation, reduction, change, termination, or resignation is for
38 reasons that might be grounds for disciplinary action under § 14-404 of this subtitle;

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1 2. The hospital or related institution took any disciplinary
2 action against a salaried, licensed physician without staff privileges, including termination
3 of employment, suspension, or probation, for reasons that might be grounds for
4 disciplinary action under § 14-404 of this subtitle;

5 3. The hospital or related institution took any disciplinary
6 action against an individual in a postgraduate medical training program, including
7 removal from the training program, suspension, or probation for reasons that might be
8 grounds for disciplinary action under § 14-404 of this subtitle;

9 4. A licensed physician or an individual in a postgraduate
10 training program voluntarily resigned from the staff, employ, or training program of the
11 hospital or related institution for reasons that might be grounds for disciplinary action
12 under § 14-404 of this subtitle; or

13 5. The hospital or related institution placed any other
14 restrictions or conditions on any of the licensed physicians as listed in items 1. through 4.
15 of this subparagraph for any reasons that might be grounds for disciplinary action under
16 § 14-404 of this subtitle.

17 (2) The hospital or related institution shall:

18 (i) Submit the report within 10 days of any action described in
19 paragraph (1)(ii) of this subsection; and

20 (ii) State in the report the reasons for its action or the nature of the
21 formal accusation pending when the physician resigned.

22 (3) The Board may extend the reporting time under this subsection for good
23 cause shown.

24 (4) The minutes or notes taken in the course of determining the denial,
25 limitation, reduction, or termination of the staff privileges of any physician in a hospital
26 or related institution are not subject to review or discovery by any person.

27 [(b) (1) Each court shall report to the Board each conviction of or entry of a plea
28 of guilty or nolo contendere by a physician for any crime involving moral turpitude.

29 (2) The court shall submit the report within 10 days of the conviction or
30 entry of the plea.]

31 [(c)] (B) The Board may enforce this section by subpoena.

32 [(d)] (C) Any person shall have the immunity from liability described under §
33 5-392(d) of the Courts and Judicial Proceedings Article for giving any of the information
34 required by this section.

35 (D) (1) THIS SUBSECTION DOES NOT LIMIT THE AUTHORITY OF THE BOARD
36 TO DISSEMINATE TO THE PUBLIC INFORMATION THAT THE BOARD COLLECTS
37 UNDER § 14-411.1(B)(5) OF THIS SUBTITLE.

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1 [(e)] (2) A report made under this section is not subject to subpoena or discovery
2 in any civil action other than a proceeding arising out of a hearing and decision of the
3 Board under this title.

4 [(f)] (E) Failure to report pursuant to this section shall result in imposition of a
5 civil penalty of up to \$5,000 by a circuit court of this State.

6 14-414.

7 (a) (1) Every 6 months, each alternative health system as defined in § 14-501 of
8 this title shall file with the Board a report that:

9 (i) Contains the name of each licensed physician who, during the 6
10 months preceding the report:

- 11 1. Is employed by the alternative health system;
- 12 2. Is under contract with the alternative health system; and
- 13 3. Has completed a formal application process to become under
14 contract with the alternative health system; and

15 (ii) States whether, as to each licensed physician, during the 6 months
16 preceding the report:

17 1. The alternative health system denied the formal application
18 of a physician to contract with the alternative health system or limited, reduced, otherwise
19 changed, or terminated the contract of a physician, or the physician resigned whether or
20 not under formal accusation, if the denial, limitation, reduction, change, termination, or
21 resignation is for reasons that might be grounds for disciplinary action under § 14-404 of
22 this subtitle; or

23 2. The alternative health system placed any other restrictions or
24 conditions on any licensed physician for any reasons that might be grounds for
25 disciplinary action under § 14-404 of this subtitle.

26 (2) The alternative health system shall:

27 (i) Submit the report within 10 days of any action described in
28 paragraph (1)(ii) of this subsection; and

29 (ii) State in the report the reasons for its action or the nature of the
30 formal accusation pending when the physician resigned.

31 (3) The Board may extend the reporting time under this subsection for good
32 cause shown.

33 (4) The minutes or notes taken in the course of determining the denial,
34 limitation, reduction, or termination of the employment contract of any physician in an
35 alternative health system are not subject to review or discovery by any person.

36 [(b) (1) Each court shall report to the Board each conviction of or entry of a plea
37 of guilty or nolo contendere by a physician for any crime involving moral turpitude.

12

1 (2) The court shall submit the report within 10 days of the conviction or
2 entry of the plea.]

3 [(c)] (B) The Board may enforce this section by subpoena.

4 [(d)] (C) Any person shall have the immunity from liability described under §
5 5-392(d) of the Courts and Judicial Proceedings Article for giving any of the information
6 required by this section.

7 (D) (1) THIS SUBSECTION DOES NOT LIMIT THE AUTHORITY OF THE BOARD
8 TO DISSEMINATE TO THE PUBLIC INFORMATION THAT THE BOARD COLLECTS
9 UNDER § 14-411.1(B)(5) OF THIS SUBTITLE.

10 [(e)] (2) A report made under this section is not subject to subpoena or discovery
11 in any civil action other than a proceeding arising out of a hearing and decision of the
12 Board under this title.

13 [(f)] (E) Failure to report pursuant to the requirements of this section shall result
14 in imposition of a civil penalty of up to \$5,000 by a circuit court of this State.

15 SECTION 2. AND BE IT FURTHER ENACTED, That § 14-411.1 of the Health
16 Occupations Article, as enacted by Section 1 of this Act, does not authorize the State
17 Board of Physician Quality Assurance, before October 1, 1998, from disseminating a
18 physician profile by electronic media, including the World Wide Web of the Internet or
19 on CD-Rom.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
21 Physician Quality Assurance shall:

22 (1) Study the impact of publication of physician profiles by electronic media
23 on the personal safety of physicians and the families of physicians;

24 (2) On or before January 1, 1998 report its findings and recommendations to
25 the Economic and Environmental Affairs Committee of the Senate of Maryland and to
26 the Environmental Matters Committee of the House of Delegates and include in the
27 report a sample physician profile with safeguards designed to eliminate, to the extent
28 practicable, the possibility that information in the profile may jeopardize the personal
29 safety of physicians and the families of physicians.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1997.