

CF 7r3028

By: Senator Hollinger

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 1997

Returned to second reading: March 21, 1997

Senate action: Adopted with floor amendments

Read second time: March 21, 1997

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Discipline of Physicians - System of**
3 **Delivery of Health Care Services**

4 FOR the purpose of ~~authorizing~~ requiring the State Board of Physician Quality
 5 Assurance to refer a certain allegation to a certain committee and request a certain
 6 investigation and report; authorizing the State Board to discipline physicians who
 7 have certain responsibilities relating to establishing or supervising protocols or
 8 procedures for a system of delivery of health care services and the ~~system fails~~
 9 protocols or procedures fail to meet certain standards; making a certain exception;
 10 prohibiting the State Board from carrying out certain disciplinary actions unless
 11 certain conditions have been met; and generally relating to the authority of the
 12 State Board of Physician Quality Assurance to discipline physicians who are
 13 responsible for establishing or supervising ~~protect~~ protocols or procedures for a
 14 system of delivery of health care services.

15 BY repealing and reenacting, without amendments,16 Article - Health Occupations17 Section 14-401(a)18 Annotated Code of Maryland19 (1994 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Health Occupations22 Section 14-404(a)(35) and (36)23 Annotated Code of Maryland

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1 (1994 Replacement Volume and 1996 Supplement)

2 BY adding to

3 Article - Health Occupations

4 Section ~~14-404(a)(37)~~ 14-401(c)(5) and 14-404(a)(37) and (c)

5 Annotated Code of Maryland

6 (1994 Replacement Volume and 1996 Supplement)

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

9 **Article - Health Occupations**

10 14-401.

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

14 (c) (5) AFTER PERFORMING ANY NECESSARY PRELIMINARY
15 INVESTIGATION OF AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER
16 ACTION, THE BOARD SHALL REFER ANY ALLEGATION BASED ON § 14-404(A)(37) OF
17 THIS SUBTITLE TO A COMMITTEE OF FIVE PHYSICIANS WHO SERVE AS MEDICAL
18 DIRECTORS FOR ORGANIZATIONS IDENTICAL TO THAT FOR WHICH THE LICENSEE
19 IS THE MEDICAL DIRECTOR AND SHALL:

20 (I) INFORM THE SECRETARY OF THE ALLEGATION AND
21 REFERRAL; AND

22 (II) REQUEST THE COMMITTEE TO CONDUCT A COMPLETE
23 INVESTIGATION OF THE ALLEGATIONS AND REPORT BACK TO THE BOARD AND THE
24 SECRETARY WITH THE COMMITTEE'S FINDINGS AND RECOMMENDATIONS.

25 14-404.

26 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the
27 affirmative vote of a majority of its full authorized membership, may reprimand any
28 licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

29 (35) Is in breach of a service obligation resulting from the applicant's or
30 licensee's receipt of State or federal funding for the licensee's medical education; [or]

31 (36) Willfully makes a false representation when seeking or making
32 application for licensure or any other application related to the practice of medicine; OR

33 (37) ~~(37)~~ IS A PHYSICIAN WHO IS RESPONSIBLE FOR ESTABLISHING OR
34 SUPERVISING ~~PROTOCOL~~ PROTOCOLS OR PROCEDURES FOR A SYSTEM OF
35 DELIVERY OF HEALTH CARE SERVICES, UNLESS THE PROTOCOLS OR PROCEDURES
36 HAVE BEEN APPROVED BY A MEDICAL STAFF OR A MEDICAL STAFF COMMITTEE,
37 AND THE ~~SYSTEM FAILS~~ PROTOCOLS OR PROCEDURES FAIL TO MEET APPROPRIATE
38 STANDARDS FOR THE DELIVERY OF QUALITY MEDICAL CARE AS DETERMINED BY
39 APPROPRIATE PEER REVIEW

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1 ~~(H) UNDER THIS SUBSECTION, EXCEPT THAT~~ A PHYSICIAN MAY
2 NOT BE DISCIPLINED BY THE BOARD FOR THE INDEPENDENT JUDGMENT ERROR OF
3 A HEALTH CARE PROVIDER WHO IS PROVIDING DIRECT PATIENT CARE IN
4 CONTRADICTION TO ESTABLISHED ~~PROTOCOL~~ PROTOCOLS OR PROCEDURES FOR A
5 SYSTEM OF DELIVERY OF QUALITY MEDICAL CARE.

6 (C) A PHYSICIAN MAY NOT BE DISCIPLINED UNDER SUBSECTION (A)(37) OF
7 THIS SECTION UNLESS:

8 (1) THE BOARD HAS MADE THE REFERRAL REQUIRED UNDER §
9 14-401(C)(5) OF THIS SUBTITLE;

10 (2) THE BOARD AND THE SECRETARY HAVE JOINTLY REVIEWED THE
11 REPORT OF THE COMMITTEE TO WHICH THE REFERRAL WAS MADE UNDER §
12 14-401(C)(5) OF THIS SUBTITLE; AND

13 (3) THE BOARD AND THE SECRETARY CONCUR ON APPROPRIATE
14 DISCIPLINARY ACTION.

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