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By: **Delegate Heller**

Introduced and read first time: February 9, 1998

Assigned to: Environmental Matters

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

26 BY adding to  
27 Article - Courts and Judicial Proceedings  
28 Section 2-214  
29 Annotated Code of Maryland  
30 (1995 Replacement Volume and 1997 Supplement)

31 BY repealing and reenacting, without amendments,  
32 Article - Health Occupations

1 Section 14-101(a), (b), (e), (f), and (h)  
2 Annotated Code of Maryland  
3 (1994 Replacement Volume and 1997 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article - Health Occupations  
6 Section 14-411, 14-413, and 14-414  
7 Annotated Code of Maryland  
8 (1994 Replacement Volume and 1997 Supplement)

9 BY adding to  
10 Article - Health Occupations  
11 Section 14-411.1  
12 Annotated Code of Maryland  
13 (1994 Replacement Volume and 1997 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 2-214.

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

20 (B) THE CLERK OF A COURT SHALL:

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

25 (I) REPORT THE CONVICTION TO THE STATE BOARD OF PHYSICIAN  
26 QUALITY ASSURANCE; AND

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

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

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

1 (II) SUBMIT TO THE STATE BOARD OF PHYSICIAN QUALITY  
2 ASSURANCE A COPY OF THE PROCEEDINGS OF THE COURT CONCERNING THAT  
3 PERSON.

4 **Article - Health Occupations**

5 14-101.

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

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

8 (e) "Hospital" has the meaning stated in § 19-301 of the Health - General  
9 Article.

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

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

15 14-411.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30    (k)     If the Board determines that the information contained in a record  
31 concerns possible criminal activity, the Board shall disclose the information to a law  
32 enforcement or prosecutorial official.

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

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

- 3                   (i)     Describes the purpose of the research project;
- 4                   (ii)    Describes the intent, if any, to publish the findings;
- 5                   (iii)   Describes the nature of the requested personal records;
- 6                   (iv)    Describes the safeguards that the researcher would take to  
7 protect the identity of the persons in interest; and
- 8                   (v)     States that persons in interest will not be contacted unless the  
9 Executive Director approves and monitors the contact;

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

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

- 14                   (i)     Defines the scope of the research project;
- 15                   (ii)    Sets out the safeguards for protecting the identity of the  
16 persons in interest; and
- 17                   (iii)   States that a breach of any condition of the agreement is a  
18 breach of contract.

19           (m)     On the request of a person who has testified in a Board or Office of  
20 Administrative Hearings proceeding, the Board shall provide to the person who  
21 testified a copy of the portion of the transcript of that person's testimony.

22           (n)     (1)     The Board may publish a summary of any allegations of grounds for  
23 disciplinary or other action.

24                   (2)     A summary may not identify:

- 25                   (i)     Any person who makes an allegation to the Board or any of its  
26 investigatory bodies;
- 27                   (ii)    A licensed physician about whom an allegation is made; or
- 28                   (iii)   A witness in an investigation or a proceeding before the Board  
29 or any of its investigatory bodies.

30           (o)     The Board shall disclose information in a record upon the request of the  
31 Governor, Secretary, or Legislative Auditor, in accordance with § 2-1223(a) of the  
32 State Government Article. However, the Governor, Secretary, or Auditor, or any of  
33 their employees may not disclose personally identifiable information from any of  
34 these records which are otherwise confidential by law.

1 (p) This section does not apply to:

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

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

7 (q) If any information contained in any medical or hospital document or any  
8 other exhibit is otherwise open for disclosure under law, the use of that document or  
9 exhibit in any record of the Board or any of its investigatory bodies does not prevent  
10 its disclosure in any other proceeding.

11 14-411.1.

12 (A) IN THIS SECTION, "ALTERNATIVE HEALTH SYSTEM" HAS THE MEANING  
13 STATED IN § 14-501(A)(2) OF THIS SUBTITLE.

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

16 (1) ANY CRIMINAL CONVICTION OF THE LICENSEE WITHIN THE MOST  
17 RECENT 10-YEAR PERIOD OF A FELONY AND, AS DETERMINED BY THE BOARD, A  
18 SERIOUS MISDEMEANOR;

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

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

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

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

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

31 1. THE REASON FOR THE REVOCATION OR INVOLUNTARY  
32 RESTRICTION RELATES TO THE COMPETENCE OR CHARACTER OF THE LICENSEE;  
33 AND

34 2. THE GOVERNING BODY OR OTHER OFFICIAL OF THE  
35 HOSPITAL OR ALTERNATIVE HEALTH SYSTEM AFFORDED THE LICENSEE  
36 PROCEDURAL DUE PROCESS; AND

1 (II) ANY RESIGNATION OF THE LICENSEE FROM, OR ANY  
2 NONRENEWAL OF THE MEDICAL STAFF MEMBERSHIP OF THE LICENSEE OR THE  
3 RESTRICTION OF THE MEDICAL PRIVILEGES OF THE LICENSEE AT, A HOSPITAL OR  
4 AN ALTERNATIVE HEALTH SYSTEM IF:

5 1. THE RESIGNATION, NONRENEWAL, OR RESTRICTION  
6 OCCURRED INSTEAD OR IN SETTLEMENT OF A PENDING DISCIPLINARY ACTION  
7 AGAINST THE LICENSEE; AND

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

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

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

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

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

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

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

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

23 (11) THE NAMES OF THE HOSPITALS WHERE THE LICENSEE HAS  
24 MEDICAL PRIVILEGES;

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

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

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

32 (III) ANY PROFESSIONAL OR COMMUNITY SERVICE ACTIVITIES AND  
33 AWARDS OF THE LICENSEE;

34 (13) THE LOCATION OF THE PRIMARY PRACTICE SETTING OF THE  
35 LICENSEE;

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

3 (15) WHETHER THE LICENSEE PARTICIPATES IN THE STATE MEDICAL  
4 CARE PROGRAM.

5 (C) THE BOARD SHALL:

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

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

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

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

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

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

19 (II) 15 WORKING DAYS TO CORRECT A FACTUAL INACCURACY THAT  
20 MAY APPEAR IN THE INDIVIDUAL PROFILE OF THE LICENSEE.

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

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

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

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

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

32 (I) CONCERNING THE DISPOSITION OF PAID MEDICAL  
33 MALPRACTICE CLAIMS, CATEGORIZE THE CLAIMS IN A MINIMUM OF THREE  
34 GRADUATED CATEGORIES TO INDICATE THE LEVEL OF SIGNIFICANCE OF THE  
35 AWARD OR SETTLEMENT;

1 (II) IDENTIFY THE CONTEXT IN WHICH THE PAYMENT OF A  
2 MEDICAL MALPRACTICE CLAIM OCCURS BY COMPARING THE MEDICAL  
3 MALPRACTICE JUDGMENT AWARD OR SETTLEMENT CONCERNING THE LICENSEE  
4 AGAINST THE EXPERIENCE OF OTHER LICENSEES OF THE SAME SPECIALTY;

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

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

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

14 14-413.

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

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

- 19 1. Is employed by the hospital or related institution;
- 20 2. Has privileges with the hospital or related institution; and
- 21 3. Has applied for privileges with the hospital or related  
22 institution; and

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

25 1. The hospital or related institution denied the application  
26 of a physician for staff privileges or limited, reduced, otherwise changed, or  
27 terminated the staff privileges of a physician, or the physician resigned whether or  
28 not under formal accusation, if the denial, limitation, reduction, change, termination,  
29 or resignation is for reasons that might be grounds for disciplinary action under §  
30 14-404 of this subtitle;

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

35 3. The hospital or related institution took any disciplinary  
36 action against an individual in a postgraduate medical training program, including



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

3 14-414.

4 (a) (1) Every 6 months, each alternative health system as defined in §  
5 14-501 of this title shall file with the Board a report that:

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

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

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

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

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

23 (2) The alternative health system shall:

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

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

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

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

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

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 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the  
6 information 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 UNDER  
9 § 14-411.1(B)(5) OF THIS SUBTITLE.

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

13    [(f)]   (E)     Failure to report pursuant to the requirements of this section shall  
14 result 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, 1999, 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  
23 media on the personal safety of physicians and the families of physicians;

24           (2)     On or before January 1, 1999 report its findings and  
25 recommendations, in accordance with § 2-1246 of the State Government Article, to  
26 the Economic and Environmental Affairs Committee of the Senate of Maryland and to  
27 the Environmental Matters Committee of the House of Delegates and include in the  
28 report a sample physician profile with safeguards designed to eliminate, to the extent  
29 practicable, the possibility that information in the profile may jeopardize the personal  
30 safety of physicians and the families of physicians.

31    SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1998.