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1998 Regular Session 8lr2237

By: Delegates Morhaim and Bonsack Introduced and read first time: February 13, 1998 Assigned to: Environmental Matters A BILL ENTITLED 1 AN ACT concerning

2 State Board of Physician Quality Assurance - Disclosure of Physician's 3 **Address of Record** 4 FOR the purpose of prohibiting the State Board of Physician Quality Assurance from 5

making a certain disclosure of the address of record of a physician unless the 6 physician provides the Board with a written authorization for the disclosure;

7 providing that this Act does not limit certain authority of the Board; making this 8 Act an emergency measure; and generally relating to a certain disclosure of a

9 physician's address of record by the State Board of Physician Quality Assurance.

10 BY repealing and reenacting, with amendments,

11 Article - Health Occupations

12 Section 14-411

13 Annotated Code of Maryland

14 (1994 Replacement Volume and 1997 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 15

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health Occupations**

18 14-411.

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

20 Board.

Except as otherwise expressly provided in this section, the Board or any of 21

22 its investigatory bodies may not disclose any information contained in a record.

23 Nothing in this section shall be construed to prevent or limit the disclosure

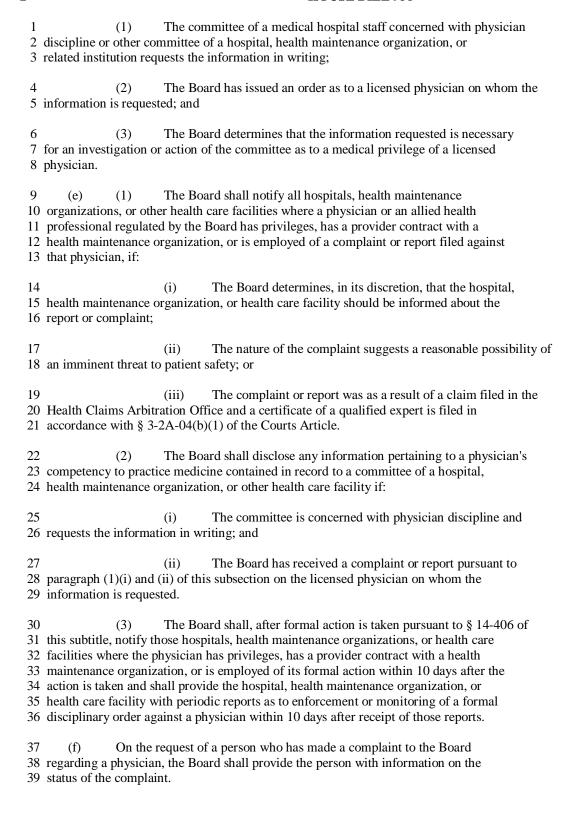
24 of general licensure, certification, or registration information maintained by the

25 Board, if the request for release complies with the criteria of § 10-617(h) of the State

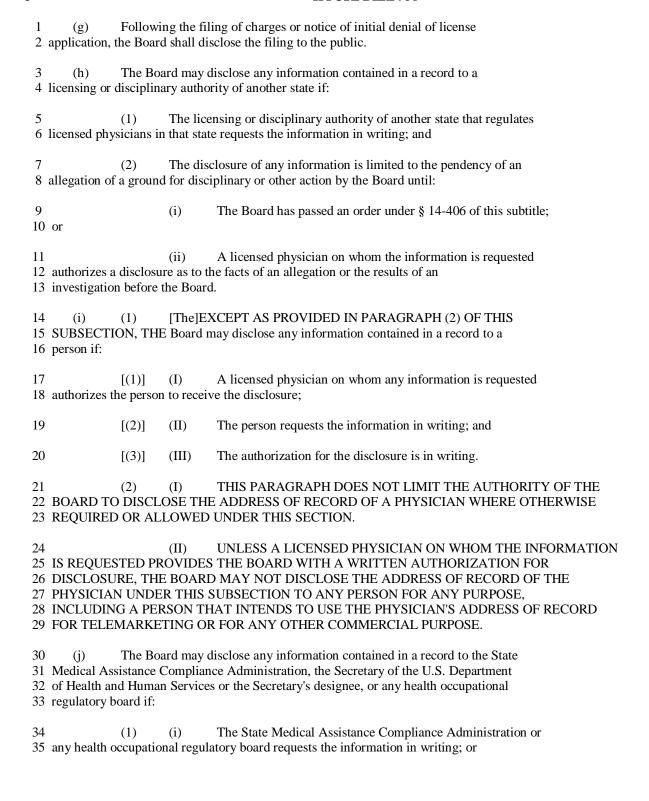
26 Government Article.

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

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			The Secretary of the U.S. Department of Health and Human ignee is entitled to receive the information or have r 42 U.S.C. § 1396R-2.	
4 5	(2) or	(i)	The Board has issued an order under § 14-406 of this subtitle;	
6		(ii)	An allegation is pending before the Board; and	
7 8	(3) for the proper conduction		ard determines that the requested information is necessary usiness of that administration or board.	
	(k) If the Board determines that the information contained in a record concerns possible criminal activity, the Board shall disclose the information to a law enforcement or prosecutorial official.			
12 13	2 (l) The Board may permit inspection of records for which inspection otherwise is not authorized by a person who is engaged in a research project if:			
14 15	(1) The researcher submits to the Executive Director and the Board approves a written request that:			
16		(i)	Describes the purpose of the research project;	
17		(ii)	Describes the intent, if any, to publish the findings;	
18		(iii)	Describes the nature of the requested personal records;	
19 20	protect the identity of	(iv) of the pers	Describes the safeguards that the researcher would take to ons in interest; and	
21 22	Executive Director a	(v) approves a	States that persons in interest will not be contacted unless the and monitors the contact;	
23 24	(2) prevent the disclosur	(2) The Executive Director is satisfied that the proposed safeguards will ent the disclosure of the identity of persons in interest; and		
25 26	that:	The researcher makes an agreement with the Executive Director		
27		(i)	Defines the scope of the research project;	
28 29	persons in interest; a	(ii) and	Sets out the safeguards for protecting the identity of the	
30 31	breach of contract.	(iii)	States that a breach of any condition of the agreement is a	
	2 (m) On the request of a person who has testified in a Board or Office of Administrative Hearings proceeding, the Board shall provide to the person who 4 testified a copy of the portion of the transcript of that person's testimony.			

1 The Board may publish a summary of any allegations of grounds for (n) (1) 2 disciplinary or other action. 3 (2) A summary may not identify: Any person who makes an allegation to the Board or any of its 4 (i) 5 investigatory bodies; 6 (ii) A licensed physician about whom an allegation is made; or 7 A witness in an investigation or a proceeding before the Board (iii) 8 or any of its investigatory bodies. 9 (o) The Board shall disclose information in a record upon the request of the 10 Governor, Secretary, or Legislative Auditor, in accordance with § 2-1223(a) of the 11 State Government Article. However, the Governor, Secretary, or Auditor, or any of 12 their employees may not disclose personally identifiable information from any of 13 these records which are otherwise confidential by law. 14 This section does not apply to: (p) 15 Any disclosure of a record by the Board to any of its investigatory (1) 16 bodies; or 17 A licensee, certificate holder, or registration holder who has been (2) 18 charged under this title or a party to a proceeding before the Board who claims to be aggrieved by the decision of the Board. 20 If any information contained in any medical or hospital document or any 21 other exhibit is otherwise open for disclosure under law, the use of that document or 22 exhibit in any record of the Board or any of its investigatory bodies does not prevent 23 its disclosure in any other proceeding. 24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety,

26 has been passed by a yea and nay vote supported by three-fifths of all the members 27 elected to each of the two Houses of the General Assembly, and shall take effect from

28 the date it is enacted.