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1998 Regular Session
8lr2383

D. D.L. (XX

By: Delegate Kelly

Introduced and read first time: February 13, 1998

Assigned to: Environmental Matters

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## A BILL ENTITLED

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1	AN	ACT	concerning

- 2 State Board of Physician Quality Assurance Nonconventional Medical Treatments
- 4 FOR the purpose of increasing the membership of the State Board of Physician
- 5 Quality Assurance to include two additional physicians who dedicate a
- 6 significant portion of their practice to the use of a nonconventional medical
- 7 treatment; deeming a certain requirement concerning investigation and
- 8 physician peer review in certain standard of care cases to include a requirement
- 9 of participation under certain circumstances by at least one physician who
- dedicates a significant portion of the physician's practice to the use of a
- 11 nonconventional medical treatment; providing that a certain requirement for
- 12 certain participation may not be construed to require participation of a
- physician who uses a certain nonconventional medical method; prohibiting the
- Board from taking certain disciplinary action against a physician licensee solely
- because the licensee uses a nonconventional medical treatment unless the Board
- can establish certain facts; defining a certain term; and generally relating to the
- 17 State Board of Physician Quality Assurance and nonconventional medical
- 18 treatments.
- 19 BY repealing and reenacting, without amendments,
- 20 Article Health Occupations
- 21 Section 14-101(a), (b), and (d)
- 22 Annotated Code of Maryland
- 23 (1994 Replacement Volume and 1997 Supplement)
- 24 BY adding to
- 25 Article Health Occupations
- 26 Section 14-101(m) and 14-404(c)
- 27 Annotated Code of Maryland
- 28 (1994 Replacement Volume and 1997 Supplement)
- 29 BY repealing and reenacting, with amendments,
- 30 Article Health Occupations
- 31 Section 14-202(a) and 14-401

1 2	Annotated Code of Maryland (1994 Replacement Volume and 1997 Supplement)
3	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
5	Article - Health Occupations
6	14-101.
7	(a) In this title the following words have the meanings indicated.
8	(b) "Board" means the State Board of Physician Quality Assurance.
9 10	(d) "Faculty" means the Medical and Chirurgical Faculty of the State of Maryland.
	(M) "NONCONVENTIONAL MEDICAL TREATMENT" MEANS A METHOD OF HEALTH CARE THAT IS NOT GENERALLY USED BY A PHYSICIAN TO TREAT A MEDICAL CONDITION OF A PATIENT.
14	14-202.
15 16	(a) (1) The Board shall consist of [15] 17 members appointed by the Governor.
17	(2) Of the [15] 17 members:
18 19	(i) 10 shall be practicing licensed physicians appointed from a list submitted by the Faculty;
22	(ii) [1] 3 shall be [a] practicing licensed [physician] PHYSICIANS appointed at the Governor's discretion, 2 OF WHOM DEDICATE A SIGNIFICANT PORTION OF THEIR PRACTICE TO THE USE OF A NONCONVENTIONAL MEDICAL TREATMENT;
24 25	(iii) 1 shall be a representative of the Department nominated by the Secretary;
26 27	(iv) 2 shall be consumer members appointed with the advice and consent of the Senate; and
	(v) 1 shall be a consumer member knowledgeable in risk management or quality assurance matters appointed from a list submitted by the Maryland Hospital Association.

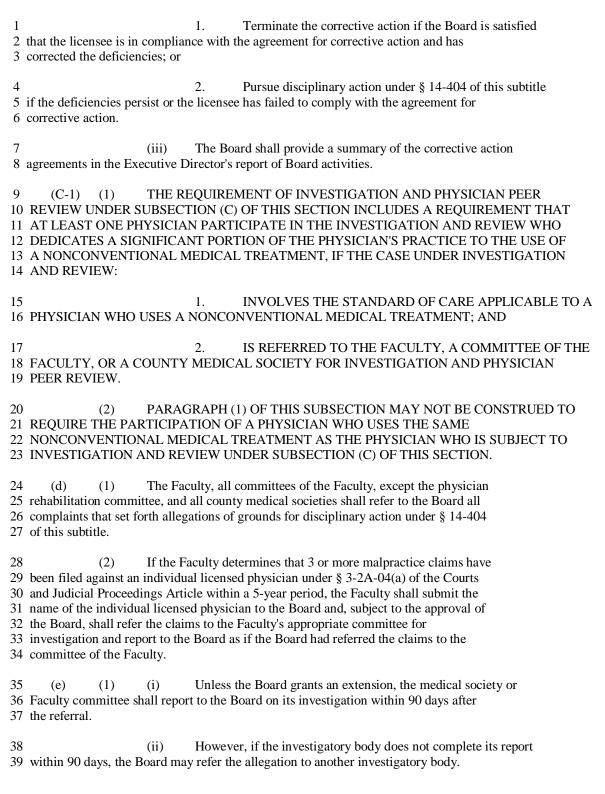
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(ii)

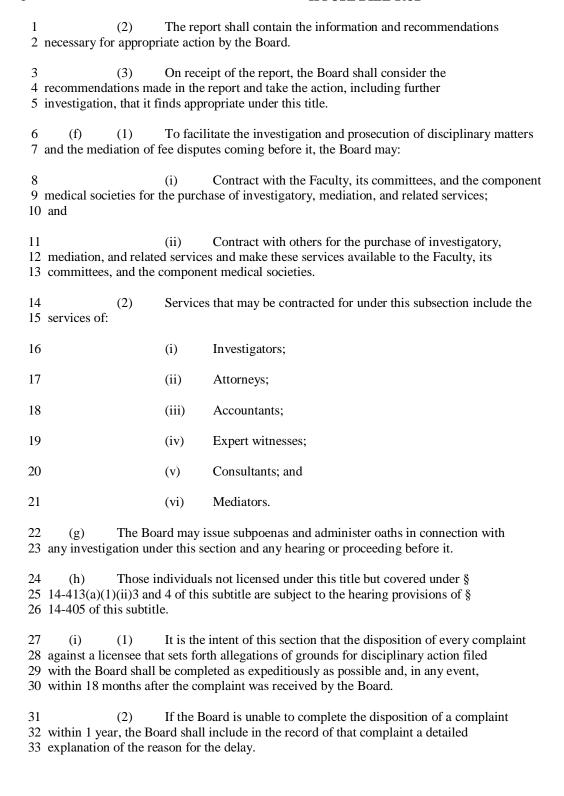
The Board shall subsequently evaluate the licensee and shall:

1	14-401.
	(a) The Board shall perform any necessary preliminary investigation before the Board refers to an investigatory body an allegation of grounds for disciplinary or other action brought to its attention.
7 8	(b) If an allegation of grounds for disciplinary or other action is made by a patient or a family member of a patient in a standard of care case and a full investigation results from that allegation, the full investigation shall include an offer of an interview with the patient or a family member of the patient who was present on or about the time that the incident that gave rise to the allegation occurred.
	(c) (1) Except as otherwise provided in this subsection, after performing any necessary preliminary investigation of an allegation of grounds for disciplinary or other action, the Board may:
13	(i) Refer the allegation for further investigation to the Faculty;
14	(ii) Take any appropriate and immediate action as necessary; or
15 16	(iii) Come to an agreement for corrective action with a licensee pursuant to paragraph (4) of this subsection.
19 20	(2) (i) After performing any necessary preliminary investigation of an allegation of grounds for disciplinary or other action, the Board shall refer any allegation involving standards of medical care, as determined by the Board, and any allegation based on § 14-404(a)(19) to the Faculty for further investigation and physician peer review within the involved medical specialty or specialties.
22 23	(ii) The Faculty may refer the allegation for investigation and report to the appropriate:
24	1. County medical society; or
25	2. Committee of the Faculty.
28	(3) If, after performing any necessary preliminary investigation, the Board determines that an allegation involving fees for professional or ancillary services does not constitute grounds for disciplinary or other action, the Board shall offer the complainant and the licensee an opportunity to mediate the dispute.
32 33	(4) (i) If the Board determines that an agreement for corrective action is warranted and patient safety is not an issue, the Board shall notify the licensee of the identified deficiencies and enter into an agreement for corrective action, which may not be made public and which shall not be considered a disciplinary action for purposes of this subtitle.

## **HOUSE BILL 1032**



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- 1 14-404.
- 2 (C) THE BOARD MAY NOT REPRIMAND A LICENSEE, PLACE ANY LICENSEE ON
- 3 PROBATION, OR SUSPEND OR REVOKE A LICENSE SOLELY BECAUSE THE LICENSEE
- 4 USES A NONCONVENTIONAL MEDICAL TREATMENT UNLESS, BY COMPETENT
- 5 EVIDENCE, THE BOARD CAN ESTABLISH THAT:
- 6 (1) THE NONCONVENTIONAL MEDICAL TREATMENT HAS A SAFETY RISK
- 7 GREATER THAN THE TREATMENT GENERALLY USED FOR THE SAME MEDICAL
- 8 CONDITION: OR
- 9 (2) THE NONCONVENTIONAL MEDICAL TREATMENT IS GENERALLY NOT 10 EFFECTIVE.
- 11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 12 October 1, 1998.