
By: **Delegate Bonsack**
Introduced and read first time: February 23, 1998
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the State Board of Physician Quality Assurance to refer
5 a certain allegation to a certain committee; authorizing the State Board to
6 discipline physicians who have certain responsibilities relating to establishing
7 or supervising protocols or procedures for a system of delivery of health care
8 services and the protocols or procedures fail to meet certain standards; making
9 certain exceptions; and generally relating to the authority of the State Board of
10 Physician Quality Assurance to discipline physicians who are responsible for
11 establishing or supervising protocols or procedures for a system of delivery of
12 health care services.

13 BY repealing and reenacting, without amendments,
14 Article - Health Occupations
15 Section 14-401(a)
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Health Occupations
20 Section 14-404(a)(39) and (40)
21 Annotated Code of Maryland
22 (1994 Replacement Volume and 1997 Supplement)

23 BY adding to
24 Article - Health Occupations
25 Section 14-401(c)(5) and 14-404(a)(41)
26 Annotated Code of Maryland
27 (1994 Replacement Volume and 1997 Supplement)

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

1

Article - Health Occupations

2 14-401.

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

6 (c) (5) AFTER PERFORMING ANY NECESSARY PRELIMINARY
7 INVESTIGATION OF AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER
8 ACTION, THE BOARD SHALL REFER ANY ALLEGATION BASED ON § 14-404(A)(41) OF
9 THIS SUBTITLE TO A COMMITTEE THAT SHALL INCLUDE PHYSICIANS WHO ARE
10 RESPONSIBLE FOR ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES
11 FOR A HEALTH CARE DELIVERY SYSTEM, AND IF APPROPRIATE, A PHYSICIAN WHO
12 HAS A MEDICAL SPECIALTY RELATED TO THE CARE UNDER REVIEW.

13 14-404.

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

18 (39) Intentionally misrepresents credentials for the purpose of testifying
19 or rendering an expert opinion in hearings or proceedings before the Board or those
20 otherwise delegated to the Office of Administrative Hearings; [or]

21 (40) Fails to keep adequate medical records as determined by appropriate
22 peer review; OR

23 (41) IS A PHYSICIAN WHO IS RESPONSIBLE FOR ESTABLISHING OR
24 SUPERVISING PROTOCOLS OR PROCEDURES FOR A HEALTH CARE DELIVERY SYSTEM
25 AND THE PROTOCOLS OR PROCEDURES FAIL TO MEET APPROPRIATE STANDARDS
26 FOR THE DELIVERY OF QUALITY MEDICAL CARE AS DETERMINED BY APPROPRIATE
27 REVIEW, EXCEPT THAT A PHYSICIAN MAY NOT BE DISCIPLINED BY THE BOARD FOR:

28 (I) THE INDEPENDENT JUDGMENT ERROR OF A HEALTH CARE
29 PROVIDER WHO IS PROVIDING DIRECT PATIENT CARE IN CONTRADICTION TO
30 ESTABLISHED PROTOCOLS OR PROCEDURES FOR A SYSTEM OF DELIVERY OF
31 QUALITY CARE; OR

32 (II) ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES
33 IN A HEALTH CARE FACILITY AS DEFINED IN § 19-301 OF THE HEALTH - GENERAL
34 ARTICLE IF THE PROTOCOLS OR PROCEDURES HAVE BEEN APPROVED BY THE
35 HEALTH CARE FACILITY'S MEDICAL STAFF OR MEDICAL STAFF COMMITTEE.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1998.