

HOUSE BILL 282

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1999 Regular Session
9r1197
CF 9r1198

By: **Delegates Klausmeier, Owings, Hubbard, Redmer, Nathan-Pulliam, and
Oaks**

Introduced and read first time: February 4, 1999
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals and Related Institutions - Staff Use and Privileges - Nurses, Social**
3 **Workers, and Chiropractors**

4 FOR the purpose of requiring a certain hospital or related institution to make a
5 certain provision for the use of its facility by and staff privileges for qualified
6 advanced practice nurses, social workers, and chiropractors; authorizing a
7 hospital or related institution to restrict use of its facility and staff privileges by
8 certain health care providers to those providers that meet certain qualifications
9 of the hospital or related institution; providing that a certain requirement or
10 authorization does not require that a hospital grant admitting privileges to
11 certain health care providers or, without appropriate collaboration with a
12 certain physician, allow the exercise of admitting privileges granted by a
13 hospital board of trustees to certain providers; providing for the governance of
14 the decision of a certain physician if there is a certain disagreement between
15 certain health care providers and a certain physician; and generally relating to
16 the use of certain health care facilities by and staff privileges for certain health
17 care providers.

18 BY repealing and reenacting, with amendments,
19 Article - Health - General
20 Section 19-351
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1998 Supplement)

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

25 **Article - Health - General**

26 19-351.

27 (a) Except as provided in subsections (b) and (d) of this section, this subtitle
28 does not affect the right of a hospital or related institution to employ or appoint staff.

1 (b) (1) A hospital or related institution that provides services that licensed
2 podiatrists are authorized to perform under Title 16 of the Health Occupations
3 Article, other than incidental care, shall include, in its bylaws, rules, or regulations,
4 provisions for use of facilities by and staff privileges for qualified podiatrists.

5 (2) The hospital or related institution may restrict use of facilities and
6 staff privileges by podiatrists to those podiatrists who meet the qualifications that the
7 hospital or related institution sets for granting those privileges.

8 (c) (1) A hospital or related institution shall include in its bylaws, rules, or
9 regulations provisions for use of facilities by and staff privileges for qualified dentists.

10 (2) The hospital or related institution may restrict use of facilities and
11 staff privileges by dentists to those dentists who meet the qualifications that the
12 hospital or related institution sets for granting those privileges.

13 (d) (1) A hospital or related institution that provides services of the type
14 that licensed psychologists, ADVANCED PRACTICE NURSES, LICENSED SOCIAL
15 WORKERS, AND LICENSED CHIROPRACTORS are permitted to perform under [Title 18
16 of] the Health Occupations Article shall include in its bylaws, rules, or regulations,
17 provisions for use of facilities by and staff privileges for qualified psychologists,
18 ADVANCED PRACTICE NURSES, SOCIAL WORKERS, AND CHIROPRACTORS.

19 (2) The hospital or related institution may restrict use of facilities and
20 staff privileges by psychologists, ADVANCED PRACTICE NURSES, SOCIAL WORKERS,
21 AND CHIROPRACTORS to those psychologists, ADVANCED PRACTICE NURSES, SOCIAL
22 WORKERS, AND CHIROPRACTORS who meet the qualifications that the hospital or
23 related institution sets for granting those privileges.

24 (3) (i) Nothing in this subsection shall be construed to require a
25 hospital to:

26 1. Grant admitting privileges to a psychologist, ADVANCED
27 PRACTICE NURSE, SOCIAL WORKER, OR CHIROPRACTOR; or

28 2. Permit the exercise of those privileges granted by the
29 hospital board of trustees to psychologists, ADVANCED PRACTICE NURSES, SOCIAL
30 WORKERS, AND CHIROPRACTORS without appropriate collaboration with the
31 physician who has privileges to admit and attend patients in the unit of the facility
32 where the patient is being treated and who has ongoing responsibility for the patient.

33 (ii) In the event of a disagreement between the psychologist,
34 ADVANCED PRACTICE NURSES, SOCIAL WORKER, OR CHIROPRACTOR and the
35 physician concerning the patient's treatment, the decision of the physician who has
36 ongoing responsibility for the patient shall govern.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1999.