
By: **Senator Miller**

Introduced and read first time: February 4, 1999

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 1999

CHAPTER _____

1 AN ACT concerning

2 **Board of Physician Quality Assurance - Physician Profiles - Disclosure to**
3 **the Public**

4 FOR the purpose of requiring the Board of Physician Quality Assurance to create an
5 individual profile on each licensed physician that includes certain information;
6 requiring the Board to provide certain Internet links from the Board's Internet
7 site; requiring the Board to provide a written copy of a profile to certain persons
8 under certain circumstances; requiring the Board to make all profiles available
9 on the internet; with a certain exception, requiring the Board, before making a
10 profile available to the public, to provide a licensee with a written copy of the
11 licensee's profile and a certain period to correct factual inaccuracies; requiring
12 the Board to include information relating to a final disciplinary action taken by
13 the Board against the licensee in the licensee's profile within a certain period
14 after the action becomes final; defining a certain ~~terms~~ term; and generally
15 relating to the Board of Physician Quality Assurance and disclosure of
16 information relating to physicians.

17 BY repealing and reenacting, without amendments,
18 Article - Health Occupations
19 Section 14-411(a)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1998 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Health Occupations
24 Section 14-411(b) and (c)
25 Annotated Code of Maryland

1 (1994 Replacement Volume and 1998 Supplement)

2 BY adding to

3 Article - Health Occupations

4 Section 14-411.1

5 Annotated Code of Maryland

6 (1994 Replacement Volume and 1998 Supplement)

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

9 **Article - Health Occupations**

10 14-411.

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

13 (b) Except as otherwise expressly provided in this section AND § 14-411.1 OF
14 THIS SUBTITLE, the Board or any of its investigatory bodies may not disclose any
15 information contained in a record.

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

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

21 (2) PROFILE INFORMATION COLLECTED AND DISSEMINATED UNDER §
22 14-411.1 OF THIS SUBTITLE.

23 14-411.1.

24 (A) (1) IN THIS SECTION ~~THE FOLLOWING WORDS HAVE THE MEANINGS~~
25 ~~INDICATED:~~

26 ~~(2) "ALTERNATIVE HEALTH CARE SYSTEM" HAS THE MEANING STATED~~
27 ~~IN § 14-501 OF THIS TITLE.~~

28 ~~(3)~~ "HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING
29 STATED IN § 19-701 OF THE HEALTH - GENERAL ARTICLE.

30 (B) THE BOARD SHALL CREATE AN INDIVIDUAL PROFILE ON EACH LICENSEE
31 THAT INCLUDES THE FOLLOWING INFORMATION:

32 (1) A DESCRIPTION OF ANY ~~FINAL~~ DISCIPLINARY ACTION TAKEN BY THE
33 BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD AS
34 REPORTED TO THE NATIONAL PRACTITIONER DATA BANK;

1 (2) A DESCRIPTION OF ANY FINAL DISCIPLINARY ACTION TAKEN BY A
 2 LICENSING BOARD IN ANY OTHER STATE OR JURISDICTION AGAINST THE LICENSEE
 3 WITHIN THE MOST RECENT 10-YEAR PERIOD AS REPORTED TO THE NATIONAL
 4 PRACTITIONER DATA BANK;

5 (3) THE NAME OF ANY MEDICAL SCHOOL THAT THE LICENSEE
 6 ATTENDED AND THE DATE ON WHICH THE LICENSEE GRADUATED FROM THE
 7 SCHOOL;

8 (4) A DESCRIPTION OF ANY ~~GRADUATE MEDICAL EDUCATION~~
 9 INTERNSHIP AND RESIDENCY TRAINING;

10 (5) A DESCRIPTION OF ANY SPECIALTY BOARD CERTIFICATION BY A
 11 RECOGNIZED BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE
 12 AMERICAN OSTEOPATHIC ASSOCIATION;

13 ~~(6) THE NUMBER OF YEARS THAT THE LICENSEE HAS PRACTICED~~
 14 ~~MEDICINE~~;

15 ~~(7) (6) THE NAME OF ANY HOSPITAL, ALTERNATIVE HEALTH CARE~~
 16 ~~SYSTEM, OR HEALTH MAINTENANCE ORGANIZATION WHERE THE LICENSEE HAS~~
 17 ~~MEDICAL PRIVILEGES AS REPORTED TO THE BOARD UNDER § 14-413 OF THIS~~
 18 ~~SUBTITLE~~;

19 ~~(8) (7) THE LOCATION OF THE LICENSEE'S PRIMARY PRACTICE~~
 20 ~~SETTING; AND~~

21 ~~(9) (8) WHETHER THE LICENSEE PARTICIPATES IN THE MARYLAND~~
 22 ~~MEDICAL ASSISTANCE PROGRAM.~~

23 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
 24 SECTION, THE BOARD SHALL PROVIDE APPROPRIATE AND ACCESSIBLE INTERNET
 25 LINKS FROM THE BOARD'S INTERNET SITE;

26 (1) TO THE EXTENT AVAILABLE, TO THE APPROPRIATE PORTION OF THE
 27 INTERNET SITE OF EACH HEALTH MAINTENANCE ORGANIZATION LICENSED IN THIS
 28 STATE WHICH WILL ALLOW THE PUBLIC TO ASCERTAIN THE NAMES OF THE
 29 PHYSICIANS AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION; AND

30 (2) TO THE APPROPRIATE PORTION OF THE INTERNET SITE OF THE
 31 AMERICAN MEDICAL ASSOCIATION.

32 ~~(E)~~ (D) THE BOARD:

33 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S PROFILE
 34 FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE PROFILE TO THE
 35 PERSON; AND

36 (2) SHALL MAKE ALL PROFILES AVAILABLE TO THE PUBLIC ON THE
 37 INTERNET.

1 ~~(D)~~ (E) SUBJECT TO ~~SUBSECTION (E)~~ SUBSECTION (F) OF THIS SECTION,
2 BEFORE MAKING A PROFILE INITIALLY AVAILABLE TO THE PUBLIC UNDER
3 ~~SUBSECTION (E)~~ (D) OF THIS SECTION, THE BOARD SHALL:

4 (1) UNLESS THE LICENSEE AUTHORIZES AND REQUESTS A COPY OF THE
5 LICENSEE'S PROFILE BY ELECTRONIC MEANS, PROVIDE A LICENSEE WITH A
6 WRITTEN COPY OF THE LICENSEE'S PROFILE; AND

7 (2) PROVIDE A REASONABLE PERIOD FOR THE LICENSEE TO CORRECT
8 ANY FACTUAL INACCURACIES IN THE PROFILE.

9 ~~(E)~~ (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO A FINAL
10 DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE
11 LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE ACTION BECOMES FINAL.

12 ~~(F)~~ (G) THIS SECTION DOES NOT LIMIT THE BOARD'S AUTHORITY TO
13 DISCLOSE INFORMATION AS REQUIRED UNDER § 14-411 OF THIS SUBTITLE.

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