

SENATE BILL 528

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1999 Regular Session  
9r1198  
CF 9r1197

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By: **Senators Dorman and Hollinger**

Introduced and read first time: February 5, 1999

Assigned to: Finance

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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                                   Preamble

24       WHEREAS, Continuity of care can lessen overall costs of care; and

25       WHEREAS, The utilization of licensed providers in all settings can reduce the  
26 cost of care while maintaining quality; and

27       WHEREAS, The General Assembly in 1984 (Ch. 522) determined that all  
28 licensed providers should not be discriminated against if their scopes of practice  
29 enable them to provide a service; and

1 WHEREAS, Certain licensed providers are not able to participate in contractual  
2 services with managed care organizations without having access to clinical privileges  
3 in hospitals; and

4 WHEREAS, Certain licensed providers have been excluded from competing for  
5 managed care contracts because they are unable to access clinical privileges in  
6 hospitals; and

7 WHEREAS, It is the intent of the General Assembly to reform health care  
8 systems so as to provide the highest quality and most efficient and effective care in all  
9 settings, utilizing all providers who are qualified to provide such care; now, therefore,

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

12 **Article - Health - General**

13 19-351.

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

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

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

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

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

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

34 (2) The hospital or related institution may restrict use of facilities and  
35 staff privileges by psychologists, ADVANCED PRACTICE NURSES, SOCIAL WORKERS,  
36 AND CHIROPRACTORS to those psychologists, ADVANCED PRACTICE NURSES, SOCIAL  
37 WORKERS, AND CHIROPRACTORS who meet the qualifications that the hospital or  
38 related institution sets for granting those privileges.

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

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

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

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

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