

SENATE BILL 528

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1999 Regular Session
9r1198
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By: **Senators Dorman and Hollinger**
Introduced and read first time: February 5, 1999
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 9, 1999

CHAPTER _____

1 AN ACT concerning

2 **Hospitals and Related Institutions - Staff Use and Privileges - Nurses, and**
3 **Social 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, certified registered nurse anesthetists, certified nurse~~
7 ~~midwives, and licensed~~ social workers, ~~and chiropractors~~; authorizing a hospital
8 or related institution to restrict use of its facility and staff privileges by certain
9 health care providers to those providers that meet certain qualifications of the
10 hospital or related institution; providing that a certain requirement or
11 authorization does not require that a hospital grant admitting privileges to
12 certain health care providers or, without appropriate collaboration with a
13 certain physician, allow the exercise of admitting privileges granted by a
14 hospital board of trustees to certain providers; providing for the governance of
15 the decision of a certain physician if there is a certain disagreement between
16 certain health care providers and a certain physician; and generally relating to
17 the use of certain health care facilities by and staff privileges for certain health
18 care providers.

19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 19-351
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1998 Supplement)

1 Preamble

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

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

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

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

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

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

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

19 **Article - Health - General**

20 19-351.

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

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

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

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

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

1 (d) (1) A hospital or related institution that provides services of the type
 2 that licensed psychologists, ~~ADVANCED PRACTICE NURSES, LICENSED SOCIAL~~
 3 ~~WORKERS, AND LICENSED CHIROPRACTORS~~ are permitted to perform under {Title 18
 4 of} the Health Occupations Article shall include in its bylaws, rules, or regulations,
 5 provisions for use of facilities by and staff privileges for qualified psychologists,
 6 ~~ADVANCED PRACTICE NURSES, SOCIAL WORKERS, AND CHIROPRACTORS.~~

7 (2) The hospital or related institution may restrict use of facilities and
 8 staff privileges by psychologists, ~~ADVANCED PRACTICE NURSES, SOCIAL WORKERS,~~
 9 ~~AND CHIROPRACTORS~~ to those psychologists, ~~ADVANCED PRACTICE NURSES, SOCIAL~~
 10 ~~WORKERS, AND CHIROPRACTORS~~ who meet the qualifications that the hospital or
 11 related institution sets for granting those privileges.

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

14 1. Grant admitting privileges to a psychologist, ~~ADVANCED~~
 15 ~~PRACTICE NURSE, SOCIAL WORKER, OR CHIROPRACTOR;~~ or

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

21 (ii) In the event of a disagreement between the psychologist,
 22 ~~ADVANCED PRACTICE NURSES, SOCIAL WORKER, OR CHIROPRACTOR~~ and the
 23 physician concerning the patient's treatment, the decision of the physician who has
 24 ongoing responsibility for the patient shall govern.

25 (E) (1) A HOSPITAL OR RELATED INSTITUTION THAT PROVIDES SERVICES
 26 OF THE TYPE THAT LICENSED SOCIAL WORKERS ARE PERMITTED TO PERFORM
 27 UNDER TITLE 19 OF THE HEALTH OCCUPATIONS ARTICLE SHALL INCLUDE IN ITS
 28 BYLAWS, RULES, OR REGULATIONS, PROVISIONS FOR USE OF FACILITIES BY AND
 29 STAFF PRIVILEGES FOR QUALIFIED SOCIAL WORKERS.

30 (2) THE HOSPITAL OR RELATED INSTITUTION MAY RESTRICT USE OF
 31 FACILITIES AND STAFF PRIVILEGES BY SOCIAL WORKERS TO THOSE SOCIAL
 32 WORKERS WHO MEET THE QUALIFICATIONS THAT THE HOSPITAL OR RELATED
 33 INSTITUTION SETS FOR GRANTING THOSE PRIVILEGES.

34 (3) (I) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
 35 REQUIRE A HOSPITAL TO:

36 1. GRANT ADMITTING PRIVILEGES TO A SOCIAL WORKER; OR

37 2. PERMIT THE EXERCISE OF THOSE PRIVILEGES GRANTED
 38 BY THE HOSPITAL BOARD OF TRUSTEES TO SOCIAL WORKERS WITHOUT
 39 APPROPRIATE COLLABORATION WITH THE PHYSICIAN WHO HAS PRIVILEGES TO

1 ADMIT AND ATTEND PATIENTS IN THE UNIT OF THE FACILITY WHERE THE PATIENT
2 IS BEING TREATED AND WHO HAS ONGOING RESPONSIBILITY FOR THE PATIENT.

3 (II) IN THE EVENT OF A DISAGREEMENT BETWEEN THE SOCIAL
4 WORKER AND THE PHYSICIAN CONCERNING THE PATIENT'S TREATMENT, THE
5 DECISION OF THE PHYSICIAN WHO HAS ONGOING RESPONSIBILITY FOR THE
6 PATIENT SHALL GOVERN.

7 (F) (1) A HOSPITAL OR RELATED INSTITUTION THAT PROVIDES SERVICES
8 OF THE TYPE THAT CERTIFIED REGISTERED NURSE ANESTHETISTS ARE PERMITTED
9 TO PERFORM UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE SHALL
10 INCLUDE IN ITS BYLAWS, RULES, OR REGULATIONS, PROVISIONS FOR USE OF
11 FACILITIES BY AND STAFF PRIVILEGES FOR QUALIFIED NURSE ANESTHETISTS.

12 (2) THE HOSPITAL OR RELATED INSTITUTION MAY RESTRICT USE OF
13 FACILITIES AND STAFF PRIVILEGES BY NURSE ANESTHETISTS TO THOSE NURSE
14 ANESTHETISTS WHO MEET THE QUALIFICATIONS THAT THE HOSPITAL OR RELATED
15 INSTITUTION SETS FOR GRANTING THOSE PRIVILEGES.

16 (3) (I) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
17 REQUIRE A HOSPITAL TO:

18 1. GRANT ADMITTING PRIVILEGES TO A NURSE
19 ANESTHETIST; OR

20 2. PERMIT THE EXERCISE OF THOSE PRIVILEGES GRANTED
21 BY THE HOSPITAL BOARD OF TRUSTEES TO NURSE ANESTHETISTS WITHOUT
22 APPROPRIATE COLLABORATION WITH THE PHYSICIAN WHO HAS PRIVILEGES TO
23 ADMIT AND ATTEND PATIENTS IN THE UNIT OF THE FACILITY WHERE THE PATIENT
24 IS BEING TREATED AND WHO HAS ONGOING RESPONSIBILITY FOR THE PATIENT.

25 (II) IN THE EVENT OF A DISAGREEMENT BETWEEN THE NURSE
26 ANESTHETIST AND THE PHYSICIAN CONCERNING THE PATIENT'S TREATMENT, THE
27 DECISION OF THE PHYSICIAN WHO HAS ONGOING RESPONSIBILITY FOR THE
28 PATIENT SHALL GOVERN.

29 (G) (1) A HOSPITAL OR RELATED INSTITUTION THAT PROVIDES SERVICES
30 OF THE TYPE THAT CERTIFIED NURSE MIDWIVES ARE PERMITTED TO PERFORM
31 UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE SHALL INCLUDE IN ITS
32 BYLAWS, RULES, OR REGULATIONS, PROVISIONS FOR USE OF FACILITIES BY AND
33 STAFF PRIVILEGES FOR QUALIFIED NURSE MIDWIVES.

34 (2) THE HOSPITAL OR RELATED INSTITUTION MAY RESTRICT USE OF
35 FACILITIES AND STAFF PRIVILEGES BY NURSE MIDWIVES TO THOSE NURSE
36 MIDWIVES WHO MEET THE QUALIFICATIONS THAT THE HOSPITAL OR RELATED
37 INSTITUTION SETS FOR GRANTING THOSE PRIVILEGES.

38 (3) (I) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
39 REQUIRE A HOSPITAL TO:

1 1. GRANT ADMITTING PRIVILEGES TO A NURSE MIDWIFE; OR

2 2. PERMIT THE EXERCISE OF THOSE PRIVILEGES GRANTED
3 BY THE HOSPITAL BOARD OF TRUSTEES TO NURSE MIDWIVES WITHOUT
4 APPROPRIATE COLLABORATION WITH THE PHYSICIAN WHO HAS PRIVILEGES TO
5 ADMIT AND ATTEND PATIENTS IN THE UNIT OF THE FACILITY WHERE THE PATIENT
6 IS BEING TREATED AND WHO HAS ONGOING RESPONSIBILITY FOR THE PATIENT.

7 (II) IN THE EVENT OF A DISAGREEMENT BETWEEN THE NURSE
8 MIDWIFE AND THE PHYSICIAN CONCERNING THE PATIENT'S TREATMENT, THE
9 DECISION OF THE PHYSICIAN WHO HAS ONGOING RESPONSIBILITY FOR THE
10 PATIENT SHALL GOVERN.

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