
By: **Delegate Hubbard**

Introduced and read first time: February 9, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals and Related Institutions - Staff Use and Privileges - Certified**
3 **Nurse Anesthetist**

4 FOR the purpose of requiring a hospital or related institution that provides certain
5 certified nurse anesthetist services to include provisions for the use of its facility
6 by and staff privileges for qualified certified nurse anesthetists; authorizing a
7 hospital or related institution to restrict use of its facility and staff privileges by
8 certified nurse anesthetists to those who meet certain qualifications of the
9 hospital or related institution; providing that a certain requirement or
10 authorization does not require that a hospital grant admitting privileges to
11 certified nurse anesthetists or, without appropriate collaboration with a certain
12 physician, allow the exercise of admitting privileges granted by a hospital board
13 of trustees; providing for the governance of the decision of a certain physician if
14 there is a certain disagreement between a certified nurse anesthetist and a
15 certain physician; and generally relating to the use of certain health care
16 facilities by and staff privileges for certified nurse anesthetists.

17 BY repealing and reenacting, with amendments,
18 Article - Health - General
19 Section 19-351
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1999 Supplement)

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

24 **Article - Health - General**

25 19-351.

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

28 (b) (1) A hospital or related institution that provides services that licensed
29 podiatrists are authorized to perform under Title 16 of the Health Occupations

1 Article, other than incidental care, shall include, in its bylaws, rules, or regulations,
2 provisions for use of facilities by and staff privileges for qualified podiatrists.

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

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

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

11 (d) (1) A hospital or related institution that provides services of the type
12 that licensed psychologists are permitted to perform under Title 18 of the Health
13 Occupations Article shall include in its bylaws, rules, or regulations, provisions for
14 use of facilities by and staff privileges for qualified psychologists.

15 (2) The hospital or related institution may restrict use of facilities and
16 staff privileges by psychologists to those psychologists who meet the qualifications
17 that the hospital or related institution sets for granting those privileges.

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

20 1. Grant admitting privileges to a psychologist; or

21 2. Permit the exercise of those privileges granted by the
22 hospital board of trustees to psychologists without appropriate collaboration with the
23 physician who has privileges to admit and attend patients in the unit of the facility
24 where the patient is being treated and who has ongoing responsibility for the patient.

25 (ii) In the event of a disagreement between the psychologist and the
26 physician concerning the patient's treatment, the decision of the physician who has
27 ongoing responsibility for the patient shall govern.

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

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

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

1 (I) GRANT ADMITTING PRIVILEGES TO A CERTIFIED NURSE
2 ANESTHETIST; OR

3 (II) PERMIT THE EXERCISE OF THOSE PRIVILEGES GRANTED BY
4 THE HOSPITAL BOARD OF TRUSTEES TO CERTIFIED NURSE ANESTHETISTS WITHOUT
5 APPROPRIATE COLLABORATION WITH THE PHYSICIANS, ANESTHESIOLOGISTS, OR
6 DENTISTS WITH WHOM THE CERTIFIED NURSE ANESTHETISTS HAVE
7 COLLABORATIVE AGREEMENTS.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2000.