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By: Delegates R. Baker, Brown, Valderrama, Proctor, Goldwater, D. Davis, Hubbard, Vallario, Grosfeld, Frush, Hill, and Patterson Introduced and read first time: February 11, 2000 Assigned to: Environmental Matters Committee Report: Favorable with amendments House action: Adopted Produced and April (2000)		
CHAPTER		
1 AN ACT concerning		
2 Task Force on Discrimination in Health Care Credentialing Decisions 3 Health Care Credentialing Study		
FOR the purpose of establishing a Task Force on Discrimination in Health Care Credentialing Decisions; establishing the membership of the Task Force; establishing duties of the Task Force; requiring the Task Force to submit to the Governor, the General Assembly, and the Legislative Policy Committee a final report on its findings and recommendations; requiring a study on credentialing of health care professionals by a certain institution; requiring a report to the Governor and General Assembly before a certain date, including findings and recommendations; providing for funding of the study; providing for the termination of this Act; and generally relating to physicians, nurse anesthetists, nurse midwives, and social workers and credentialing decisions regarding physicians, nurse anesthetists, nurse midwives, and social workers.		
15 BY adding to 16 Article Health Occupations 17 Section 14 509 18 Annotated Code of Maryland 19 (1994 Replacement Volume and 1999 Supplement) 20 Preamble		
21 WHEREAS, Over the last few years, there has been an increase in the number 22 of women, people of color, and other minorities who are practicing physicians; and		

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1 2	WHEREAS, There is evidence that the decisions of credentialing organizations have adversely affected women, people of color, and other minorities; and
	WHEREAS, Credentialing organizations have a profound impact upon the ability of <u>all</u> physicians <u>including physicians who are women, people of color, and minorities</u> to practice medicine; and
	WHEREAS, Credentialing organizations have a profound impact on the ability of nurse anesthetists, nurse midwives, and social workers to practice their professions; and
	WHEREAS, There has been an increase in the number of bills introduced annually in the General Assembly relating to credentialing by hospitals of health care professionals; and
12 13	WHEREAS, The General Assembly would be assisted by a study in developing legislation to address credentialing issues; and
	WHEREAS, Hospitals are given the right to determine staff privileges and the denial of privileges can exclude a physician, <u>nurse anesthetist</u> , <u>nurse midwife</u> , <u>and social worker</u> from the ability to practice in his or her community; <u>and now, therefore</u> ,
	WHEREAS, Recent court decisions indicate that the provisions of Article 49B of the Code forbidding discrimination in employment do not apply to issues of hospital staff privileges because the physician is not an "employee" of the hospital; and
22	WHEREAS, Maryland law provides protection from such discrimination by insurance carriers in the selection of provider panels in § 5-112 of the Insurance Article, but provides no similar protection with respect to hospitals and other credentialing organizations; now, therefore,
24 25	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
26	Article - Health Occupations
27	14 509.
28 29	(A) THERE IS A TASK FORCE ON DISCRIMINATION BY HEALTH CARE CREDENTIALING ORGANIZATIONS.
30	(B) THE TASK FORCE CONSISTS OF THE FOLLOWING 13 MEMBERS:
31 32	(1) TWO MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE, ONE OF WHOM SHALL SERVE AS CO CHAIR OF THE TASK FORCE;
33 34	(2) TWO MEMBERS OF THE HOUSE, APPOINTED BY THE SPEAKER OF THE HOUSE, ONE OF WHOM SHALL SERVE AS CO CHAIR OF THE TASK FORCE;
35	(3) THREE MEMBERS OF THE DURI IC APPOINTED BY THE COVERNOR.

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1 2	(4) ONE MEMBER FROM A LIST SUBMITTED BY THE MARYLAND HOSPITAL ASSOCIATION APPOINTED BY THE GOVERNOR;
3	(5) TWO REPRESENTATIVES OF THE BOARD OF PHYSICIAN QUALITY ASSURANCE APPOINTED BY THE GOVERNOR;
5 6	(6) TWO MEMBERS FROM A LIST SUBMITTED BY THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND APPOINTED BY THE GOVERNOR; AND
7 8	(7) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE APPOINTED BY THE GOVERNOR.
9	(C) THE TASK FORCE SHALL:
10 11	(1) STUDY THE EXCLUSION OF WOMEN, PEOPLE OF COLOR, AND OTHER MINORITIES BY CREDENTIALING ORGANIZATIONS INCLUDING HOSPITALS;
12	(2) CONDUCT HEARINGS AS CONSIDERED APPROPRIATE; AND
	(3) REVIEW FEDERAL AND STATE LAW TO ENSURE THAT THERE IS ADEQUATE OPPORTUNITY FOR REDRESS FOR PHYSICIANS COMPLAINING ABOUT EXCLUSION BY HOSPITALS AND CREDENTIALING ORGANIZATIONS.
18	(D) THE TASK FORCE SHALL SUBMIT A REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AND THE LEGISLATIVE POLICY COMMITTEE ON OR BEFORE NOVEMBER 30, 2000.
20 21	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2000.
22 23	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:
26 27 28	(1) The Schaefer Center for Public Policy at the University of Baltimore, Baltimore City, is directed to study and review federal and State law and hospital policies, procedures, and requirements related to credentialing to ensure that there is adequate opportunity for redress of the complaints of physicians, nurse anesthetists, nurse midwives, and social workers relating to exclusion by hospitals and credentialing organizations;
30	(2) Funding for the study shall be as provided in the State budget; and
33	(3) The Schaefer Center for Public Policy shall submit a report of its findings and recommendations to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly and the Legislative Policy Committee within 60 days of completion of the study.
35 36	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2000. It shall remain effective for a period of 6 months and, at the end of

- November 30, 2000, with no further action required by the General Assembly, this Act
 shall be abrogated and of no further force and effect.