
By: **Delegate Frush**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals or Related Institutions - Staff - Licensed Certified Social**
3 **Workers-Clinical**

4 FOR the purpose of requiring a hospital or related institution that provides certain
5 services to include certain provisions for the use of certain facilities by and
6 certain staff privileges for a qualified clinical social worker; permitting a
7 hospital or related institution to restrict the use of facilities and staff privileges
8 to a certain clinical social worker who meets certain qualifications a hospital or
9 related institution sets for granting certain privileges; providing that a hospital
10 or related institution is not required to grant admitting privileges to a clinical
11 social worker or to allow a hospital or related institution to collaborate with a
12 certain physician concerning the granting of privileges to a clinical social
13 worker; providing that a physician has the final decision regarding the
14 treatment of a patient in the event of a disagreement between a physician and a
15 clinical social worker; and generally relating to the granting of staff privileges
16 for clinical social workers in hospitals and related institutions.

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 OR THAT LICENSED CERTIFIED SOCIAL WORKERS-CLINICAL ARE
14 ALLOWED TO PERFORM UNDER TITLE 19 OF THE HEALTH OCCUPATIONS ARTICLE
15 shall include in its bylaws, rules, or regulations, provisions for use of facilities by and
16 staff privileges for qualified psychologists AND CLINICAL SOCIAL WORKERS.

17 (2) The hospital or related institution may restrict use of facilities and
18 staff privileges by psychologists AND CLINICAL SOCIAL WORKERS to those
19 psychologists AND CLINICAL SOCIAL WORKERS who meet the qualifications that the
20 hospital or related institution sets for granting those privileges.

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

23 1. Grant admitting privileges to a psychologist OR A
24 CLINICAL SOCIAL WORKER; or

25 2. Permit the exercise of those privileges granted by the
26 hospital board of trustees to psychologists OR CLINICAL SOCIAL WORKERS without
27 appropriate collaboration with the physician who has privileges to admit and attend
28 patients in the unit of the facility where the patient is being treated and who has
29 ongoing responsibility for the patient.

30 (ii) In the event of a disagreement between the psychologist OR THE
31 CLINICAL SOCIAL WORKER and the physician concerning the patient's treatment, the
32 decision of the physician who has ongoing responsibility for the patient shall govern.

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