

SENATE BILL 328

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2000 Regular Session
Olr1683
CF 0lr1845

By: **Senators Lawlah, Roesser, Hogan, Pinsky, Dorman, Exum, Currie,
Green, Baker, Miller, Teitelbaum, Kelley, Hollinger, Hafer, Forehand,
Frosh, and Hughes**

Introduced and read first time: February 2, 2000

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force on Discrimination in Health Care Credentialing Decisions**

3 FOR the purpose of establishing a Task Force on Discrimination in Health Care
4 Credentialing Decisions; establishing the membership of the Task Force;
5 establishing duties of the Task Force; requiring the Task Force to submit to the
6 Governor, the General Assembly, and the Legislative Policy Committee a final
7 report on its findings and recommendations; and generally relating to
8 physicians and credentialing decisions regarding physicians.

9 BY adding to

10 Article - Health Occupations
11 Section 14-509
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1999 Supplement)

14 Preamble

15 WHEREAS, Over the last few years, there has been an increase in the number
16 of women, people of color, and other minorities who are practicing physicians; and

17 WHEREAS, There is evidence that the decisions of credentialing organizations
18 have adversely affected women, people of color, and other minorities; and

19 WHEREAS, Credentialing organizations have a profound impact upon the
20 ability of physicians to practice medicine; and

21 WHEREAS, Hospitals are given the right to determine staff privileges and the
22 denial of privileges can exclude a physician from the ability to practice in his or her
23 community; and

24 WHEREAS, Recent court decisions indicate that the provisions of Article 49B of
25 the Code forbidding discrimination in employment do not apply to issues of hospital
26 staff privileges because the physician is not an "employee" of the hospital; and

1 WHEREAS, Maryland law provides protection from such discrimination by
2 insurance carriers in the selection of provider panels in § 5-112 of the Insurance
3 Article, but provides no similar protection with respect to hospitals and other
4 credentialing organizations; now, therefore,

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

7 **Article - Health Occupations**

8 14-509.

9 (A) THERE IS A TASK FORCE ON DISCRIMINATION BY HEALTH CARE
10 CREDENTIALING ORGANIZATIONS.

11 (B) THE TASK FORCE CONSISTS OF THE FOLLOWING 13 MEMBERS:

12 (1) TWO MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF
13 THE SENATE, ONE OF WHOM SHALL SERVE AS CO-CHAIR OF THE TASK FORCE;

14 (2) TWO MEMBERS OF THE HOUSE, APPOINTED BY THE SPEAKER OF THE
15 HOUSE, ONE OF WHOM SHALL SERVE AS CO-CHAIR OF THE TASK FORCE;

16 (3) THREE MEMBERS OF THE PUBLIC APPOINTED BY THE GOVERNOR;

17 (4) ONE MEMBER FROM A LIST SUBMITTED BY THE MARYLAND
18 HOSPITAL ASSOCIATION APPOINTED BY THE GOVERNOR;

19 (5) TWO REPRESENTATIVES OF THE BOARD OF PHYSICIAN QUALITY
20 ASSURANCE APPOINTED BY THE GOVERNOR;

21 (6) TWO MEMBERS FROM A LIST SUBMITTED BY THE MEDICAL AND
22 CHIRURGICAL FACULTY OF MARYLAND APPOINTED BY THE GOVERNOR; AND

23 (7) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND
24 MENTAL HYGIENE APPOINTED BY THE GOVERNOR.

25 (C) THE TASK FORCE SHALL:

26 (1) STUDY THE EXCLUSION OF WOMEN, PEOPLE OF COLOR, AND OTHER
27 MINORITIES BY CREDENTIALING ORGANIZATIONS INCLUDING HOSPITALS;

28 (2) CONDUCT HEARINGS AS CONSIDERED APPROPRIATE; AND

29 (3) REVIEW FEDERAL AND STATE LAW TO ENSURE THAT THERE IS
30 ADEQUATE OPPORTUNITY FOR REDRESS FOR PHYSICIANS COMPLAINING ABOUT
31 EXCLUSION BY HOSPITALS AND CREDENTIALING ORGANIZATIONS.

32 (D) THE TASK FORCE SHALL SUBMIT A REPORT ON ITS FINDINGS AND
33 RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE

1 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AND THE LEGISLATIVE POLICY
2 COMMITTEE ON OR BEFORE NOVEMBER 30, 2000.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2000.