

SENATE BILL 328

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2000 Regular Session  
0lr1683  
CF 0lr1845

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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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 14, 2000

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CHAPTER \_\_\_\_\_

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; providing for the termination of  
8 this Act; and generally relating to physicians and credentialing decisions  
9 regarding physicians.

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

15 Preamble

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

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

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

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

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

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

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

13 ~~Article—Health Occupations~~

14 ~~14-509.~~

15 ~~(A) THERE IS A TASK FORCE ON DISCRIMINATION BY HEALTH CARE~~  
16 ~~CREDENTIALING ORGANIZATIONS.~~

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

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

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

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

23 ~~(4) ONE MEMBER FROM A LIST SUBMITTED BY THE MARYLAND~~  
24 ~~HOSPITAL ASSOCIATION APPOINTED BY THE GOVERNOR;~~

25 ~~(5) TWO REPRESENTATIVES OF THE BOARD OF PHYSICIAN QUALITY~~  
26 ~~ASSURANCE APPOINTED BY THE GOVERNOR;~~

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

29 ~~(7) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND~~  
30 ~~MENTAL HYGIENE APPOINTED BY THE GOVERNOR.~~

31 ~~(C) THE TASK FORCE SHALL:~~

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

34 ~~(2) CONDUCT HEARINGS AS CONSIDERED APPROPRIATE; AND~~

~~1 (3) REVIEW FEDERAL AND STATE LAW TO ENSURE THAT THERE IS  
2 ADEQUATE OPPORTUNITY FOR REDRESS FOR PHYSICIANS COMPLAINING ABOUT  
3 EXCLUSION BY HOSPITALS AND CREDENTIALING ORGANIZATIONS.~~

~~4 (D) THE TASK FORCE SHALL SUBMIT A REPORT ON ITS FINDINGS AND  
5 RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE  
6 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AND THE LEGISLATIVE POLICY  
7 COMMITTEE ON OR BEFORE NOVEMBER 30, 2000.~~

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

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That:

12 (a) There is a Task Force on Discrimination in Health Care Credentialing  
13 Decisions;

14 (b) The Task Force consists of the following eight members:

15 (1) One member of the Senate of Maryland, appointed by the President  
16 of the Senate;

17 (2) One member of the House of Delegates, appointed by the Speaker of  
18 the House;

19 (3) Two members of the public, appointed by the Governor;

20 (4) One member from a list submitted by the Maryland Hospital  
21 Association, appointed by the Governor;

22 (5) One representative of the Board of Physician Quality Assurance,  
23 appointed by the Governor;

24 (6) One member from a list submitted by the Medical and Chirurgical  
25 Faculty of Maryland, appointed by the Governor; and

26 (7) One representative from the Department of Health and Mental  
27 Hygiene, appointed by the Governor;

28 (c) The members of the Senate of Maryland and the House of Delegates shall  
29 serve as co-chairs of the Task Force;

30 (d) The Task Force shall:

31 (1) Study the impact of credentialing organization decisions on women,  
32 people of color, and other minorities;

33 (2) Conduct hearings as considered appropriate; and

1           (3)     Review federal and State law and hospital policies, procedures, and  
2 requirements related to credentialing to ensure that there is adequate opportunity for  
3 redress for physicians complaining about exclusion by hospitals and credentialing  
4 organizations; and

5           (e)     The Task Force shall be staffed by the Department of Legislative Services  
6 and shall submit a report on its findings and recommendations to the Governor and,  
7 subject to § 2-1246 of the State Government Article, to the General Assembly and the  
8 Legislative Policy Committee on or before November 30, 2000.

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 2000. It shall remain effective for a period of 6 months and, at the end of  
11 November 30, 2000, with no further action required by the General Assembly, this Act  
12 shall be abrogated and of no further force and effect.