

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 798 (Delegate Owings)

Environmental Matters

Hospitals - Credentialling Process - Health Care Practitioners and Physicians

This bill requires a hospital to establish a credentialling process for health care practitioners who are employed by the hospital or who have staff privileges at the hospital. The bill also prohibits a hospital from discriminating against an applicant for staff or clinical privileges for certain reasons.

Fiscal Summary

State Effect: The bill is not expected to significantly impact governmental finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A hospital must grant clinical privileges: (1) commensurate with an applicant's education, training, experience, and demonstrated current competence; (2) without respect to the applicant's gender, race, age, religion, national origin, sexual preference, or a protected category under the federal Americans with Disabilities Act; and (3) free of anti-competitive intent or purpose. A hospital cannot take such factors as an applicant's: (1) membership in a professional society; (2) decision to advertise, lower fees, or engage in other competitive acts intended to solicit business; (3) participation in prepaid group health plans, salaried employment, or other manner of delivering health services on other than a fee-for-service basis; (4) support for, training for, or participation in a private group practice with members or a particular class of health care provider; (5) practices with respect to testifying in malpractice suits, disciplinary actions, or other types of proceedings; or (6) willingness to send a certain number of patients or clients who are in need of services

to a particular facility or agency.

A hospital cannot deny a staff membership or clinical privileges application based solely on the type of license an applicant may have if the hospital provides health care services in the applicant's lawful scope of practice.

The Department of Health and Mental Hygiene (DHMH), in consultation with various groups, must establish minimum standards for a credentialing process for other types of health care practitioners.

Current Law: A hospital must only establish a credentialing process for physicians. If a hospital fails to establish a credentialing process for physicians, DHMH may revoke the hospital's license to operate or impose a \$500 fine for each day the violation occurs. There are no statutory provisions relating to discrimination against a licensee when the licensee is applying for staff membership or clinical privileges.

State Effect: The development of minimum standards for a credentialing process for other types of health care practitioners could be handled with existing DHMH resources. Any additional staff credentials the Office of Health Care Quality must review during a complaint investigation are assumed to be minimal and could be handled with existing budgeted resources. It is expected that any delicensures or fines imposed due to a hospital's failure to establish or maintain a credentialing process would be minimal and thus would not materially affect State finances.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Board of Physician Quality Assurance, Office of Health Care Quality), Department of Legislative Services

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