

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 846

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 21 down through “Board;” in line 24; strike beginning with “to” in line 30 down through the second “and” in line 31; in line 32, strike “requiring” and substitute “authorizing”; in the same line, strike “an” and substitute “a certain”; in line 33, after “services” insert “under certain circumstances”; and in the same line, after the semicolon insert “establishing certain minimum qualifications for peer reviewers conducting a peer review;”.

On page 2, in line 7, after “Act;” insert “altering the manner in which the Comptroller of the State distributes certain fees;”; in line 10, after “Board” insert “, the Faculty, the Office of Administrative Hearings,”; in line 11, after “process,” insert “propose a certain joint plan,”; in line 14, after “evaluation;” insert “requiring the Board to use an additional reviewer if certain peer reviewers do not reach an agreement; requiring the Governor to include certain funds for certain programs administered by the Maryland Higher Education Commission in a certain fiscal year; providing for a delayed effective date for certain provisions of this Act;”; in line 23, strike “14-203;”; and after line 36, insert:

“BY repealing and reenacting, with amendments,

Article - Health Occupations

Section 14-207(c)

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 5, in line 10, after “physicians” insert “, at least one of whom shall be a Doctor of Osteopathy,”.

(Over)

AMENDMENT NO. 3

On page 8, strike in their entirety lines 1 through 9, inclusive.

AMENDMENT NO. 4

On page 10, in line 4, strike the brackets; in line 5, before “ENTITY” insert “OR”; in line 10, strike the brackets; in line 14, after “TO” insert “THE FACULTY OR”; and in lines 17 and 20, in each instance, strike the bracket.

On page 11, in line 35, after “(E)” insert “(1)”; in the same line, strike “SHALL” and substitute “MAY”; in the same line, strike “AN” and substitute “A NONPROFIT”; and after line 37, insert:

“(2) THE BOARD MAY ENTER INTO THE WRITTEN CONTRACT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE BOARD DETERMINES, AFTER PROVIDING THE FACULTY WITH NOTICE AND AN OPPORTUNITY FOR COMMENT, THAT THE FACULTY IS NOT ADEQUATELY PERFORMING THE FACULTY’S PHYSICIAN PEER REVIEW DUTIES.”.

On page 12, strike beginning with “WRITTEN” in line 1 down through “SECTION” in line 2 and substitute “BOARD”.

AMENDMENT NO. 5

On page 12, in line 9, strike “AND”; and in line 10, after “REPORTS” insert “; AND”

(7) ARE MARYLAND LICENSED PHYSICIANS, UNLESS THE USE OF A MARYLAND LICENSED PHYSICIAN IS IMPRACTICAL”.

AMENDMENT NO. 6

On page 19, after line 12, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Health Occupations

(c) (1) The Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.

(2) The Comptroller shall distribute[:

(i) 14 percent of the fees received from the Board to the State Scholarship Administration to be used as follows:

1. One-half to make grants under the Health Manpower Shortage Incentive Grant Program under § 18-803 of the Education Article; and

2. One-half to make grants under the Janet L. Hoffman Loan Assistance Repayment Program under § 18-1502(c) of the Education Article to physicians engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary of Health and Mental Hygiene as being medically underserved; and

(ii) The balance of] the fees to the Board of Physician Quality Assurance Fund.”;

and in lines 13, 18, and 31, respectively, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively.

On page 20, after line 22, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2004. The Governor shall appropriate in the State budget for fiscal year 2005 the funds necessary for the operation of the Health Manpower Shortage Incentive Grant Program and the Janet L. Hoffman Loan Assistance Repayment Program administered by the Maryland Higher Education Commission. These funds should equal or exceed the amount that otherwise would have been received from the State Board of Physician Quality Assurance during fiscal year 2005.”.

AMENDMENT NO. 7

(Over)

On page 20, in line 7, after “Assurance” insert “, the Faculty,”; in the same line, strike “and”; in line 8, after “(OAG)” insert “, and the Office of Administrative Hearings (OAH)”; in line 9, after “(1)” insert “collaboratively”; and in the same line, after “processes” insert “and propose a joint plan to reduce delays in the disposition of complaints and to make any other necessary changes to Board investigative processes”.

AMENDMENT NO. 8

On page 20, in lines 6, 19, and 23, strike “5.”, “6.”, and “7.”, respectively, and substitute “6.”, “7.”, and “10.”, respectively; and before line 23, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That the Faculty, or the entity or entities with which the State Board of Physician Quality Assurance contracts under § 14-401(e) of the Health Occupations Article, as enacted by Section 1 of this Act, for further investigation and peer review of allegations based on § 14-404(a)(22) of the Health Occupations Article shall use two peer reviewers, and in the event of a lack of agreement between the two reviewers, the Board shall use a third reviewer to reach a final peer review decision.”;

and in line 23, after “That” insert “, except as provided in Section 8 of this Act,”.