
By: **Delegates McHale, Hammen, and Cole**
Introduced and read first time: February 13, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Medical Review Committees - Civil Immunity**

3 FOR the purpose of providing for what constitutes a contribution to the function of a
4 medical review committee for the purpose of determining certain civil immunity;
5 and generally relating to civil immunity for contributing to the function of a
6 medical review committee.

7 BY renumbering
8 Article - Health Occupations
9 Section 14-501, 14-502, 14-501.1, 14-504 through 14-506, and 14-508,
10 respectively
11 to be Section 1-401, 1-402, and 14-501 through 14-505, respectively
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Health Occupations
16 Section 1-401(b), (f), and (g) and 1-402 to be under the new subtitle "Subtitle 4.
17 Medical Review Committees"
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)
20 (As enacted by Section 1 of this Act)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That Section(s) 14-501, 14-502, 14-501.1, 14-504 through 14-506, and
23 14-508, respectively, of Article - Health Occupations of the Annotated Code of
24 Maryland be renumbered to be Section(s) 1-401, 1-402, and 14-501 through 14-505,
25 respectively.

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

1

Article - Health Occupations

2

SUBTITLE 4. MEDICAL REVIEW COMMITTEES.

3 1-401.

4 (b) For purposes of this section, a medical review committee is:

5 (1) A regulatory board or agency established by State or federal law to
6 license, certify, or discipline any provider of health care;7 (2) A committee of the Faculty or any of its component societies or a
8 committee of any other professional society or association composed of providers of
9 health care;10 (3) A committee appointed by or established in a local health department
11 for review purposes;12 (4) A committee appointed by or established in the Maryland Institute
13 for Emergency Medical Services Systems;14 (5) A committee of the medical staff or other committee, including any
15 risk management, credentialing, or utilization review committee established in
16 accordance with § 19-319 of the Health - General Article, of a hospital, related
17 institution, or alternative health care system, if the governing board of the hospital,
18 related institution, or alternative health care system forms and approves the
19 committee or approves the written bylaws under which the committee operates;20 (6) Any person, including a professional standard review organization,
21 who contracts with an agency of this State or of the federal government to perform
22 any of the functions listed in subsection (c) of this section;23 (7) Any person who contracts with a provider of health care to perform
24 any of those functions listed in subsection (c) of this section that are limited to the
25 review of services provided by the provider of health care;26 (8) An organization, established by the Maryland Hospital Association,
27 Inc. and the Faculty, that contracts with a hospital, related institution, or alternative
28 delivery system to:29 (i) Assist in performing the functions listed in subsection (c) of this
30 section; or31 (ii) Assist a hospital in meeting the requirements of § 19-319(e) of
32 the Health - General Article;33 (9) A committee appointed by or established in an accredited health
34 occupations school;

1 (10) An organization described under § [14-501.1] 14-501 of this
2 [subtitle] ARTICLE that contracts with a hospital, related institution, or health
3 maintenance organization to:

4 (i) Assist in performing the functions listed in subsection (c) of this
5 section; or

6 (ii) Assist a health maintenance organization in meeting the
7 requirements of Title 19, Subtitle 7 of the Health - General Article, the National
8 Committee for Quality Assurance (NCQA), or any other applicable credentialing law
9 or regulation;

10 (11) An accrediting organization as defined in § [14-501.1] 14-501 of this
11 [subtitle] ARTICLE; or

12 (12) A Mortality Review Committee established under § 5-801 of the
13 Health - General Article.

14 (f) (1) A person shall have the immunity from liability described under §
15 5-637 of the Courts and Judicial Proceedings Article for any action as a member of
16 the medical review committee or for giving information to, participating in, or
17 contributing to the function of the medical review committee.

18 (2) A CONTRIBUTION TO THE FUNCTION OF A MEDICAL REVIEW
19 COMMITTEE INCLUDES ANY STATEMENT BY ANY PERSON, REGARDLESS OF
20 WHETHER IT IS A DIRECT COMMUNICATION WITH THE MEDICAL REVIEW
21 COMMITTEE, THAT IS MADE WITHIN THE CONTEXT OF THE PERSON'S EMPLOYMENT
22 OR IS MADE TO A PERSON WITH A PROFESSIONAL INTEREST IN THE FUNCTIONS OF A
23 MEDICAL REVIEW COMMITTEE AND IS INTENDED TO LEAD TO REDRESS OF A
24 MATTER WITHIN THE SCOPE OF A MEDICAL REVIEW COMMITTEE'S FUNCTIONS.

25 (g) Notwithstanding this section, §§ 14-410 and 14-412 of this [title]
26 ARTICLE apply to:

27 (1) The Board OF PHYSICIAN QUALITY ASSURANCE; and

28 (2) Any other entity, to the extent that it is acting in an investigatory
29 capacity for the Board OF PHYSICIAN QUALITY ASSURANCE.

30 1-402.

31 (a) In accordance with the Health Care Quality Improvement Act of 1986, the
32 State elects not to be governed by the provisions of the Act that provide limitations on
33 damages for suits brought under State law against medical review bodies and to
34 physicians participating in professional peer review activities.

35 (b) For suits brought under State law, the State shall be governed by this
36 [title] SUBTITLE.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2002.