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2002 Regular Session (2lr1954)

ENROLLED BILL

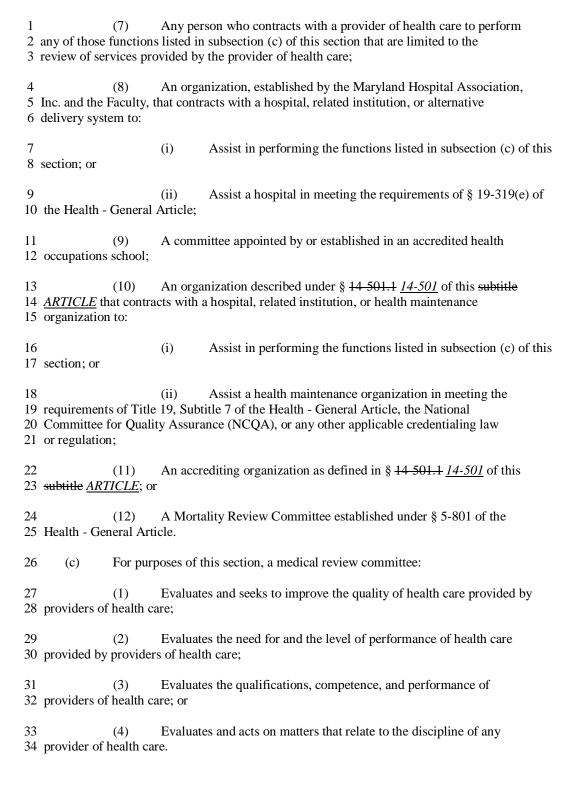
-- Education, Health, and Environmental Affairs/Environmental Matters --

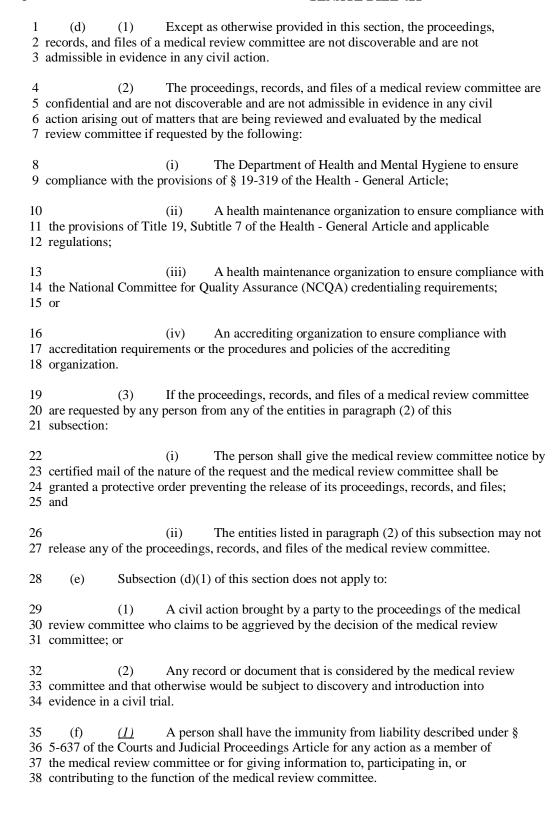
aced by Senator Hollinger					
Read and Examined by Proofreaders:					
	Proofreader.				
Sealed with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.					
	President.				
CHAPTER					
N ACT concerning					
Health Occupations - Physicians - Medical Review Committees					
OR the purpose of adding a freestanding ambulatory care facility to the list of alternative health care systems that have medical review committees; <u>providing</u> for what constitutes a contribution to the function of a medical review committee for the purpose of determining certain civil immunity; and generally relating to medical review committees.					
Y renumbering Article - Health Occupations Section 14-501, 14-502, 14-501.1, 14-504 through 14-506, and 14-508, respectively to be Section 1-401, 1-402, and 14-501 through 14-505, respectively Annotated Code of Maryland (2000 Replacement Volume and 2001 Supplement)					
. '	with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M. CHAPTER N ACT concerning Health Occupations - Physicians - Medical Review Committees OR the purpose of adding a freestanding ambulatory care facility to the list of alternative health care systems that have medical review committees; providing for what constitutes a contribution to the function of a medical review committee for the purpose of determining certain civil immunity; and generally relating to medical review committees. Yenumbering Article - Health Occupations Section 14-501, 14-502, 14-501.1, 14-504 through 14-506, and 14-508, respectively to be Section 1-401, 1-402, and 14-501 through 14-505, respectively Annotated Code of Maryland				

15 BY repealing and reenacting, with amendments,

1 2 3 4 5 6	Article - Health Occupations Section 1-401 and 1-402 to be under the new subtitle "Subtitle 4. Medical Review Committees" Annotated Code of Maryland (2000 Replacement Volume and 2001 Supplement) (As enacted by Section 1 of this Act)						
9 10	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 14-501, 14-502, 14-501.1, 14-504 through 14-506, and 14-508, respectively, of Article - Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) 1-401, 1-402, and 14-501 through 14-505, respectively.						
13 14	4 Section 14-501 5 Annotated Code of Maryland						
	7 SECTION 1. 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 8 MARYLAND AND BE IT FURTHER ENACTED, That the Laws of Maryland read as 9 follows:						
20	Article - Health Occupations						
21	SUBTITLE 4. MEDICAL REVIEW COMMITTEES.						
22	<u>1-401.</u>						
23	14 501.						
24	(a) (1) In this section the following words have the meanings indicated.						
25 26	(2) (i) "Alternative health care system" means a system of health care delivery other than a hospital or related institution.						
27	(ii) "Alternative health care system" includes:						
28	1. A health maintenance organization;						
29	2. A preferred provider organization;						
30	3. An independent practice association;						
33	4. A community health center that is a nonprofit, freestanding ambulatory health care provider governed by a voluntary board of directors and that provides primary health care services to the medically indigent; [or]						

1 2	TERM IS DEFINED	IN § 19-3		A FREESTANDING AMBULATORY CARE FACILITY AS THAT THE HEALTH - GENERAL ARTICLE; OR
3	medical review comm	ittee.	6.	Any other health care delivery system that utilizes a
5	(3)	"Medica	l review o	committee" means a committee or board that:
6 7	section; and	(i)	Is within	one of the categories described in subsection (b) of this
8 9	listed in subsection (c)	(ii)) of this s		s functions that include at least one of the functions
10 11	(4) law to provide health	(i) care to in		er of health care" means any person who is licensed by s.
14	institution that is cond	alone in	and for taccordar	or of health care" does not include any nursing those who rely on treatment by spiritual nee with the tenets and practices of a nation.
16 17				astitute for Emergency Medical Services Systems" .3-503 of the Education Article.
18	(b) For purp	oses of the	nis section	n, a medical review committee is:
19 20	(1) license, certify, or dis			rd or agency established by State or federal law to ler of health care;
				ne Faculty or any of its component societies or a ciety or association composed of providers of
24 25	(3) for review purposes;	A comm	ittee appo	ointed by or established in a local health department
26 27	(4) for Emergency Medic			ointed by or established in the Maryland Institute ns;
30 31 32 33	risk management, cre accordance with § 19 institution, or alternat related institution, or committee or approve	dentialin -319 of the ive healt alternatives the wri	g, or utilize ne Health n care syste we health tten bylav son, inclu	ne medical staff or other committee, including any zation review committee established in - General Article, of a hospital, related stem, if the governing board of the hospital, care system forms and approves the ws under which the committee operates; uding a professional standard review organization, ate or of the federal government to perform
	any of the functions l			





- 1 A CONTRIBUTION TO THE FUNCTION OF A MEDICAL REVIEW 2 COMMITTEE INCLUDES ANY STATEMENT BY ANY PERSON, REGARDLESS OF 3 WHETHER IT IS A DIRECT COMMUNICATION WITH THE MEDICAL REVIEW 4 COMMITTEE, THAT IS MADE WITHIN THE CONTEXT OF THE PERSON'S EMPLOYMENT 5 OR IS MADE TO A PERSON WITH A PROFESSIONAL INTEREST IN THE FUNCTIONS OF 6 A MEDICAL REVIEW COMMITTEE AND IS INTENDED TO LEAD TO REDRESS OF A 7 MATTER WITHIN THE SCOPE OF A MEDICAL REVIEW COMMITTEE'S FUNCTIONS. 8 Notwithstanding this section, §§ 14-410 and 14-412 of this title ARTICLE 9 apply to: 10 (1) The Board OF PHYSICIAN QUALITY ASSURANCE; and 11 (2) Any other entity, to the extent that it is acting in an investigatory
- 13 <u>1-402.</u>
- 14 (a) In accordance with the Health Care Quality Improvement Act of 1986, the
- 15 State elects not to be governed by the provisions of the Act that provide limitations on
- 16 damages for suits brought under State law against medical review bodies and to
- 17 physicians participating in professional peer review activities.

12 capacity for the Board OF PHYSICIAN QUALITY ASSURANCE.

- 18 (b) For suits brought under State law, the State shall be governed by this 19 [title] SUBTITLE.
- 20 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take 21 effect October 1, 2002.