
By: **Senator Hollinger**

Introduced and read first time: January 30, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Physicians - Medical Review Committees**

3 FOR the purpose of adding a freestanding ambulatory care facility to the list of
4 alternative health care systems that have medical review committees; and
5 generally relating to medical review committees.

6 BY repealing and reenacting, with amendments,
7 Article - Health Occupations
8 Section 14-501
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2001 Supplement)

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 14-501.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) (i) "Alternative health care system" means a system of health care
17 delivery other than a hospital or related institution.

18 (ii) "Alternative health care system" includes:

- 19 1. A health maintenance organization;
- 20 2. A preferred provider organization;
- 21 3. An independent practice association;
- 22 4. A community health center that is a nonprofit,
23 freestanding ambulatory health care provider governed by a voluntary board of
24 directors and that provides primary health care services to the medically indigent;
25 [or]

1 (7) Any person who contracts with a provider of health care to perform
2 any of those functions listed in subsection (c) of this section that are limited to the
3 review of services provided by the provider of health care;

4 (8) An organization, established by the Maryland Hospital Association,
5 Inc. and the Faculty, that contracts with a hospital, related institution, or alternative
6 delivery system to:

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

9 (ii) Assist a hospital in meeting the requirements of § 19-319(e) of
10 the Health - General Article;

11 (9) A committee appointed by or established in an accredited health
12 occupations school;

13 (10) An organization described under § 14-501.1 of this subtitle that
14 contracts with a hospital, related institution, or health maintenance organization to:

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

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

21 (11) An accrediting organization as defined in § 14-501.1 of this subtitle;
22 or

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

25 (c) For purposes of this section, a medical review committee:

26 (1) Evaluates and seeks to improve the quality of health care provided by
27 providers of health care;

28 (2) Evaluates the need for and the level of performance of health care
29 provided by providers of health care;

30 (3) Evaluates the qualifications, competence, and performance of
31 providers of health care; or

32 (4) Evaluates and acts on matters that relate to the discipline of any
33 provider of health care.

34 (d) (1) Except as otherwise provided in this section, the proceedings,
35 records, and files of a medical review committee are not discoverable and are not
36 admissible in evidence in any civil action.

1 (2) The proceedings, records, and files of a medical review committee are
2 confidential and are not discoverable and are not admissible in evidence in any civil
3 action arising out of matters that are being reviewed and evaluated by the medical
4 review committee if requested by the following:

5 (i) The Department of Health and Mental Hygiene to ensure
6 compliance with the provisions of § 19-319 of the Health - General Article;

7 (ii) A health maintenance organization to ensure compliance with
8 the provisions of Title 19, Subtitle 7 of the Health - General Article and applicable
9 regulations;

10 (iii) A health maintenance organization to ensure compliance with
11 the National Committee for Quality Assurance (NCQA) credentialing requirements;
12 or

13 (iv) An accrediting organization to ensure compliance with
14 accreditation requirements or the procedures and policies of the accrediting
15 organization.

16 (3) If the proceedings, records, and files of a medical review committee
17 are requested by any person from any of the entities in paragraph (2) of this
18 subsection:

19 (i) The person shall give the medical review committee notice by
20 certified mail of the nature of the request and the medical review committee shall be
21 granted a protective order preventing the release of its proceedings, records, and files;
22 and

23 (ii) The entities listed in paragraph (2) of this subsection may not
24 release any of the proceedings, records, and files of the medical review committee.

25 (e) Subsection (d)(1) of this section does not apply to:

26 (1) A civil action brought by a party to the proceedings of the medical
27 review committee who claims to be aggrieved by the decision of the medical review
28 committee; or

29 (2) Any record or document that is considered by the medical review
30 committee and that otherwise would be subject to discovery and introduction into
31 evidence in a civil trial.

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

36 (g) Notwithstanding this section, §§ 14-410 and 14-412 of this title apply to:

37 (1) The Board; and

1 (2) Any other entity, to the extent that it is acting in an investigatory
2 capacity for the Board.

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