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By: **Senator Hollinger**

Introduced and read first time: January 30, 2002

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2002

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CHAPTER \_\_\_\_\_

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;



1 accordance with § 19-319 of the Health - General Article, of a hospital, related  
2 institution, or alternative health care system, if the governing board of the hospital,  
3 related institution, or alternative health care system forms and approves the  
4 committee or approves the written bylaws under which the committee operates;

5 (6) Any person, including a professional standard review organization,  
6 who contracts with an agency of this State or of the federal government to perform  
7 any of the functions listed in subsection (c) of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (iii) A health maintenance organization to ensure compliance with  
18 the National Committee for Quality Assurance (NCQA) credentialing requirements;  
19 or

20 (iv) An accrediting organization to ensure compliance with  
21 accreditation requirements or the procedures and policies of the accrediting  
22 organization.

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

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

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

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

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

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

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

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

9           (1)     The Board; and

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

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