Unofficial Copy 2002 Regular Session
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By: Senator Hollinger (Chairman, Health Subcommittee)

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2	State Board of Physician Quality Assurance - Sunset Extension and
3	Program Evaluation

4 FOR the purpose of continuing the State Board of Physician Quality Assurance

- 5 (Board) in accordance with the provisions of the Maryland Program Evaluation
- Act by extending to a certain date the termination provisions relating to the
- statutory and regulatory authority of the Board; requiring that an evaluation of
- 8 the Board and the statutes and regulations that relate to the Board be
- 9 performed on or before a certain date; repealing a provision requiring the Health
- 10 Claims Arbitration Office (HCAO) to forward certain information to the Medical
- and Chirurgical Faculty of Maryland (Faculty); adding certain members to the
- membership of the Board; altering the requirements for certain practicing
- licensed physician members of the Board; altering the appointment process for
- certain physician members of the Board; changing one of the consumer members
- of the Board to be a certain public member of the Board; altering the
- requirements for both the consumer members and the public member of the
- Board; requiring the Board to provide a certain notice of a vacancy of certain
- members of the Board, to provide information regarding a certain selection
- 19 process, to solicit professional organizations and licensed physicians in the State
- 20 to submit a certain nomination or petition, and to forward to the Governor a list
- of all valid nominations and petitions; authorizing the Governor to make certain
- reappointments and appointments to the Board in a certain manner; repealing a
- provision of law requiring the chairman of the Board to be appointed by the
- 24 Governor; providing for the chairman of the Board to be elected by the members
- of the Board; requiring fees charged by the Board to approximate the costs of
- 26 maintaining the Board; requiring certain interest and other investment income
- to be paid into the Board of Physician Quality Assurance Fund (Fund); requiring
- the Board to fund the budget of the Physician Rehabilitation Committee with
- fees collected and distributed to the Fund; authorizing the Board to allocate
- moneys from the Fund after review and approval of a certain budget; requiring
- moneys from the Fund after review and approval of a certain budget, requiring
- 31 a certain vote of the Board in order to dismiss certain actions against a
- 32 restricted license holder; repealing provisions of law requiring the Faculty to
- 33 conduct certain investigations and peer review and to provide certain
- 34 malpractice information to the Board; requiring the Board to enter into a
- 35 written contract with an entity to provide certain investigation and peer review

- services; prohibiting a certain agreement for corrective action from being used except under certain circumstances; specifying that the members of the
- 3 Physician Rehabilitation Committee are appointed by the Faculty; requiring the
- 4 chairman of the Board to appoint a member to serve as a liaison to the Physician
- 5 Rehabilitation Committee; authorizing the chairman of the Board to appoint a
- 6 certain subcommittee of the Board to conduct certain hearings in a certain
- 7 manner; requiring a certain vote of the Board in order to dismiss certain charges
- 8 against a licensee; altering certain requirements for licensee profiles created by
- 9 the Board; requiring the Board to maintain a single website containing certain
- 9 the Board; requiring the Board to maintain a single website containing certain
- 10 information; modifying the termination provision for the Maryland Respiratory
- 11 Care Practitioners Act; defining a certain term; delaying the effective date of a 12 section of this Act and providing that the section is contingent on the Governor's
- section of this Act and providing that the section is contingent on the doverno
- including certain funds in the budget in a certain fiscal year; specifying the
- terms of certain members of the Board; requiring the Board to submit a certain
- 15 report on the financial condition of the Board by a certain date; requiring the
- Board to submit a certain report on investigative caseloads by a certain date;
- 17 requiring the Board and the Office of the Attorney General to review a certain
- process, make certain recommendations, and submit a certain report by a
- 19 certain date; requiring the Board to implement certain changes to the
- 20 Exceptions Process; requiring the Board to utilize an additional reviewer if
- 21 certain peer reviewers do not reach an agreement; exempting the Board from
- certain provisions of law requiring a certain preliminary evaluation; requiring
- 23 the Governor to include certain funds for certain programs administered by the
- 24 Maryland Higher Education Commission in a certain fiscal year; providing for a
- 25 delayed effective date; and generally relating to the State Board of Physician
- 26 Quality Assurance.
- 27 BY repealing and reenacting, with amendments,
- 28 Article Courts and Judicial Proceedings
- 29 Section 3-2A-04(a)
- 30 Annotated Code of Maryland
- 31 (1998 Replacement Volume and 2001 Supplement)
- 32 BY repealing and reenacting, with amendments,
- 33 Article Health Occupations
- 34 Section 14-101, 14-202, 14-203, 14-207, 14-321(e), 14-401, 14-402, 14-405,
- 35 14-406, 14-411.1, 14-5A-25, and 14-702
- 36 Annotated Code of Maryland
- 37 (2000 Replacement Volume and 2001 Supplement)
- 38 BY repealing and reenacting, without amendments,
- 39 Article Health Occupations
- 40 Section 14-404 and 14-413
- 41 Annotated Code of Maryland
- 42 (2000 Replacement Volume and 2001 Supplement)

- 1 BY repealing and reenacting, with amendments,2 Article State Government
- 3 Section 8-403(b)(50)
- 4 Annotated Code of Maryland
- 5 (1999 Replacement Volume and 2001 Supplement)
- 6 BY repealing and reenacting, with amendments,
- 7 Article Health Occupations
- 8 Section 14-207(c)
- 9 Annotated Code of Maryland
- 10 (2000 Replacement Volume and 2001 Supplement)
- 11 (As enacted by Section 1 of this Act)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:

14 Article - Courts and Judicial Proceedings

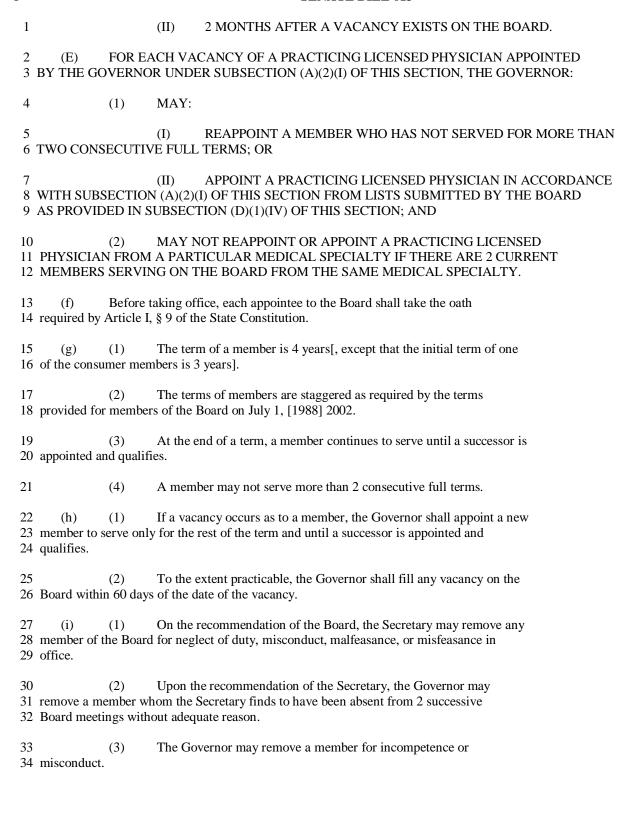
- 15 3-2A-04.
- 16 (a) (1) A person having a claim against a health care provider for damage
- 17 due to a medical injury shall file his claim with the Director, and, if the claim is
- 18 against a physician, the Director shall forward copies of the claim to the State Board
- 19 of Physician Quality Assurance [and the Medical and Chirurgical Faculty of the State
- 20 of Maryland]. The Director shall cause a copy of the claim to be served upon the
- 21 health care provider by the appropriate sheriff in accordance with the Maryland
- 22 Rules. The health care provider shall file a response with the Director and serve a
- 23 copy on the claimant and all other health care providers named therein within the
- 24 time provided in the Maryland Rules for filing a responsive pleading to a complaint.
- 25 The claim and the response may include a statement that the matter in controversy
- 26 falls within one or more particular recognized specialties.
- 27 (2) A third-party claim shall be filed within 30 days of the response of
- 28 the third-party claimant to the original claim unless the parties consent to a later
- 29 filing or a later filing is allowed by the panel chairman for good cause shown.
- 30 (3) A claimant may not add a new defendant after the arbitration panel
- 31 has been selected, or 10 days after the prehearing conference has been held,
- 32 whichever is later.
- 33 (4) Until all costs attributable to the first filing have been satisfied, a
- 34 claimant may not file a second claim on the same or substantially the same grounds
- 35 against any of the same parties.

1 **Article - Health Occupations** 2 14-101. 3 (a) In this title the following words have the meanings indicated. 4 "Board" means the State Board of Physician Quality Assurance. (b) 5 "Civil action" includes a health care malpractice claim under Title 3, (c) 6 Subtitle 2A of the Courts Article. 7 "Faculty" means the Medical and Chirurgical Faculty of the State of (d) 8 Maryland. 9 (e) "Hospital" has the meaning stated in § 19-301 of the Health - General 10 Article. 11 (f) "License" means, unless the context requires otherwise, a license issued by 12 the Board to practice medicine. 13 "Licensed physician" means, unless the context requires otherwise, a (g) 14 physician, including a doctor of osteopathy, who is licensed by the Board to practice 15 medicine. (h) "Licensee" means an individual to whom a license is issued, including an 16 17 individual practicing medicine within or as a professional corporation or professional 18 association. 19 (i) "Perform acupuncture" means to stimulate a certain point or points on or 20 near the surface of the human body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, 22 for the treatment of ailments or conditions of the body. 23 "Physician" means an individual who practices medicine. (j) 24 "PHYSICIAN REHABILITATION COMMITTEE" MEANS THE COMMITTEE OF (k) 25 THE FACULTY THAT EVALUATES AND PROVIDES ASSISTANCE TO IMPAIRED 26 PHYSICIANS IN NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, 27 CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL 28 CONDITIONS. "Practice medicine" means to engage, with or without compensation, 29 (L) (1) 30 in medical: 31 (i) Diagnosis; 32 (ii) Healing; Treatment; or 33 (iii) 34 (iv) Surgery.

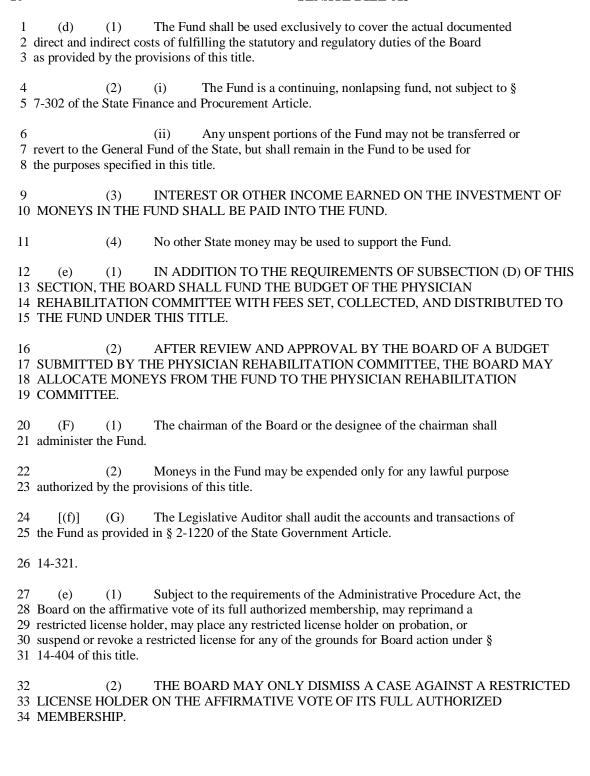
1	(2) and attempting any of			ne" includes doing, undertaking, professing to do,
	removing any physica individual:	(i) l, mental		sing, healing, treating, preventing, prescribing for, or ional ailment or supposed ailment of an
6 7	exercised or invoked	by the pra	1. actitioner	By physical, mental, emotional, or other process that is the patient, or both; or
8			2.	By appliance, test, drug, operation, or treatment;
9		(ii)	Ending	of a human pregnancy; and
10		(iii)	Perform	ing acupuncture.
11	(3)	"Practic	e medicir	ne" does not include:
12		(i)	Selling a	any nonprescription drug or medicine;
13		(ii)	Practicii	ng as an optician; or
14 15	other means.	(iii)	Perform	ing a massage or other manipulation by hand, but by no
16 17	[(l)] (M) Health - General Arti		l instituti	on" has the meaning stated in § 19-301 of the
18	14-202.			
19 20	(a) (1) Governor WITH THI			consist of [15] 21 members appointed by the HE SECRETARY.
21	(2)	Of the [15] 21 m	embers:
22 23	[from a list submitted	(i) I by the F		[shall be practicing licensed physicians] appointed AS FOLLOWS:
24 25	PRIMARILY SPECI	ALIZE I	1. N:	7 SHALL BE PRACTICING LICENSED PHYSICIANS WHO
26			A.	INTERNAL MEDICINE;
27			B.	PSYCHIATRY;
28			C.	FAMILY PRACTICE;
29			D.	OBSTETRICS/GYNECOLOGY;
30			E.	ANESTHESIOLOGY;

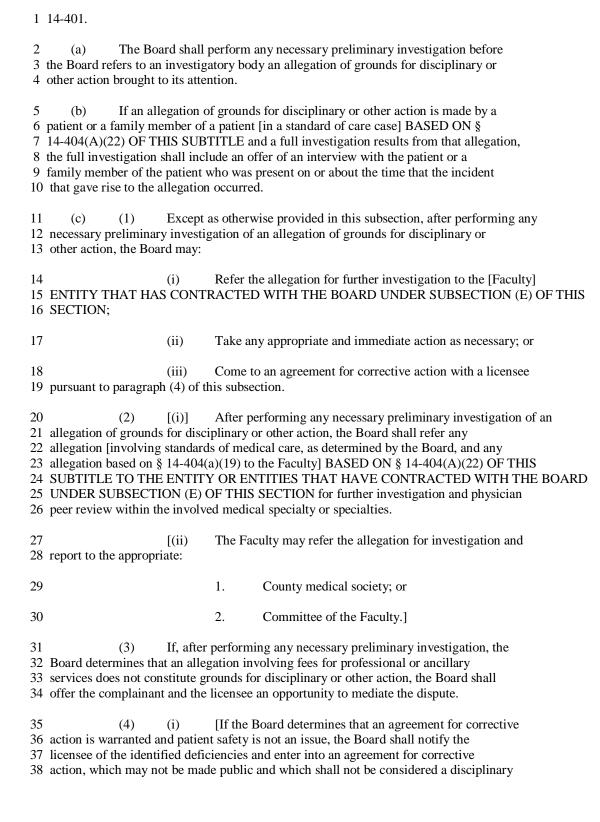
1				F.	SURGERY; AND
2				G.	ORTHOPAEDICS; AND
3				2.	8 SHALL BE PRACTICING LICENSED PHYSICIANS;
4 5	Governor's d	liscretion	(ii) ;	1 shall b	be a practicing licensed physician appointed at the
8	COMPLEM	ENTARY	Y AND A	A PRACT	be a representative of the Department nominated by FICING LICENSED PHYSICIAN WHO PRACTICES ATIVE METHODS OF CARE APPOINTED AT THE THE ADVICE OF THE SECRETARY;
				NTATIV	L BE A PRACTICING LICENSED PHYSICIAN APPOINTED E OF AN ACADEMIC MEDICAL INSTITUTION IN THIS CONTAINING:
13 14	UNIVERSI	ТҮ SCH	OOL OF	1. MEDICI	3 NAMES SUBMITTED BY THE JOHNS HOPKINS INE; AND
15 16	SCHOOL C	F MEDI	CINE;	2.	3 NAMES SUBMITTED BY THE UNIVERSITY OF MARYLAND
17 18	and consent	of the Se	[(iv)] enate; and	(V)	2 shall be consumer members appointed with the advice
	risk manage Maryland H				1 shall be a [consumer] PUBLIC member knowledgeable in matters appointed from a list submitted by the
22	(b)	(1)	Each co	nsumer (OR PUBLIC member of the Board:
23		[(1)]	(I)	Shall be	e a member of the general public;
24		[(2)]	(II)	SHALL	BE A RESIDENT OF THE STATE FOR AT LEAST 5 YEARS;
25 26	become a pl	nysician;	(III)	May no	t be or ever have been a physician or in training to
27 28	training to b	[(3)] become a	(IV) physician		t have a household member who is a physician or in
29 30	professional	[(4) field rela			ate or ever have participated in a commercial or
31 32	commercial	(5)] or profes	(V) ssional fie		t have a household member who participates in a d to medicine; and
33 34	substantial f	[(6)] financial	(VI) interest in		t have had within 2 years before appointment a n regulated by the Board.

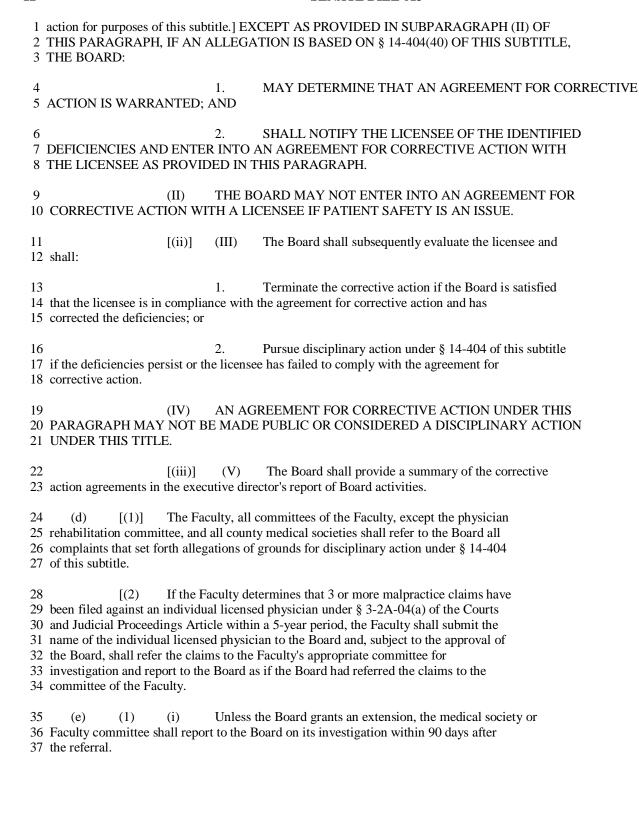
3	(2) A CONSUMER MEMBER OF THE BOARD MAY NOT HAVE A SUBSTANTIAL PERSONAL, BUSINESS, PROFESSIONAL, OR PECUNIARY CONNECTION WITH A MEDICAL FIELD OR WITH AN INSTITUTION OF MEDICAL EDUCATION OR A HEALTH CARE FACILITY.
5 6	(c) [For each initial vacancy of a member appointed from a list submitted by the Faculty, the Faculty shall:
7 8	(1) Notify all licensed physicians in the State of the vacancy to solicit nominations to fill the vacancy; and
	(2) Conduct a balloting process to select the name of the licensed physician that will be submitted to the Governor that provides all licensed physicians in the State with an equal vote.
12 13	(d) Once appointed, a physician named on the list submitted by the Faculty shall remain on the list for 2 consecutive full terms.
16	(e)] While SERVING AS a member of the Board, [a] EACH consumer member [may not have a substantial financial interest in a person regulated by the Board] AND THE PUBLIC MEMBER SHALL CONTINUE TO MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.
	(D) (1) FOR EACH VACANCY OF A PRACTICING LICENSED PHYSICIAN APPOINTED BY THE GOVERNOR WITH THE ADVICE OF THE SECRETARY UNDER SUBSECTION (A)(2)(I) OF THIS SECTION, THE BOARD SHALL:
	(I) NOTIFY ALL PRACTICING LICENSED PHYSICIANS AND PROFESSIONAL ORGANIZATIONS REPRESENTING AT LEAST 25 LICENSED PHYSICIANS IN THE STATE OF THE VACANCY;
24 25	(II) PROVIDE INFORMATION REGARDING THE SELECTION PROCESS AS PROVIDED UNDER SUBSECTION (A)(2)(I) OF THIS SECTION;
26	(III) SOLICIT NOMINATIONS FOR THE VACANCY; AND
27	(IV) FORWARD TO THE GOVERNOR:
	1. VALID NOMINATIONS SUBMITTED BY PROFESSIONAL ORGANIZATIONS REPRESENTING AT LEAST 25 LICENSED PHYSICIANS IN THE STATE; AND
31 32	2. VALID PETITIONS SUBMITTED BY PRACTICING LICENSED PHYSICIANS.
33 34	(2) THE BOARD SHALL MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITHIN:
35 36	(I) 4 MONTHS PRIOR TO AN UPCOMING VACANCY ON THE BOARD; OR



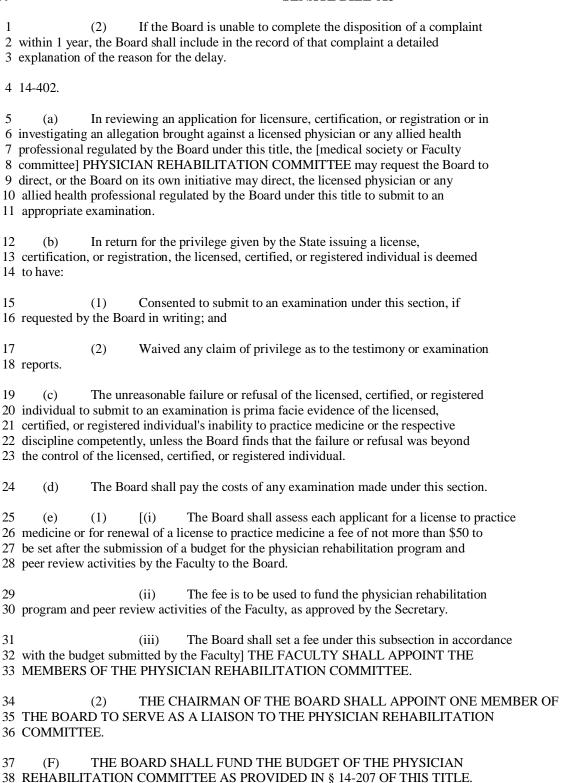
1	14-203.										
2	(a) [The Governor shall appoint the chairman of the Board from among the physician members on the Board.										
4 5	(b)] secretary-tre		_		the Board rs that it co				,		
6	[(c)]	(B)	The Boa	ırd shall o	determine:						
7		(1)	The man	nner of el	ection of o	fficers;					
8		(2)	The term	n of offic	e of each o	fficer; an	d				
9		(3)	The duti	ies of eac	h officer.						
10	14-207.										
11	(a)	There is	a Board	of Physic	cian Quality	y Assuran	ice Fund	l .			
12 13	(b) licenses and	(1) its other			et reasonat	ole fees fo	or the iss	uance and	d renew	al of	
14 15	COST OF N	(2) MAINTA			RGED SH RD.	ALL BE	SET SO	AS TO	APPRO	XIMATI	ETHE
16 17	shall be gen	(3) erated by			e compens s section.	ation and	expense	es of the l	Board m	nembers	
	(c) 14-402(e) or of this title t		e, the] TH	E Board							
21		(2)	The Cor	nptroller	shall distri	bute:					
22 23	Scholarship	Adminis	(i) tration to		ent of the fe as follows:		ed from	the Boar	d to the	State	
24 25	Shortage Inc	centive G	rant Prog	1. gram unde	One-half ter § 18-803					Ianpower	
28 29 30	Loan Assist physicians e care who ag geographic a Mental Hyg	engaged is ree to pra area of th	n primary actice for e State th	care or t at least 2 at has be	o medical years as p en designa	1502(c) or esidents rimary carted by the	of the Ed specialize re physi	ucation A zing in pr cians in a	Article to rimary 1	0	
32 33	Assurance F	Fund.	(ii)	The bala	ance of the	fees to th	e Board	of Physic	cian Qu	ality	

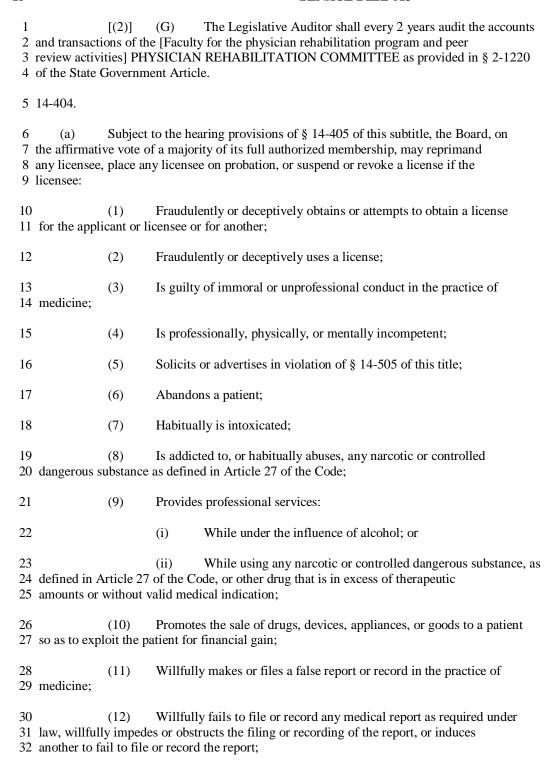


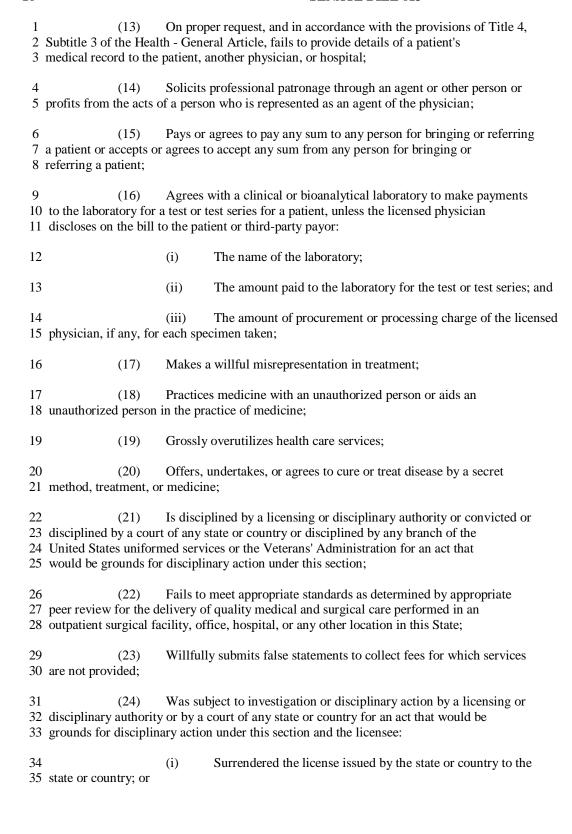




1 2	within 90 days, the Bo	(ii) oard may	However, if the investigatory body does not complete its report refer the allegation to another investigatory body.			
3	(2) necessary for appropr		ort shall contain the information and recommendations n by the Board.			
		de in the	ipt of the report, the Board shall consider the report and take the action, including further opriate under this title.]			
	OR ENTITIES FOR I	FURTHE	HALL ENTER INTO A WRITTEN CONTRACT WITH AN ENTITY R INVESTIGATION AND PHYSICIAN PEER REVIEW OF § 14-404(A)(22) OF THIS SUBTITLE.			
11 12	(f) (1) and the mediation of		itate the investigation and prosecution of disciplinary matters tes coming before it, the Board may:			
	medical societies for and	(i) the purch	Contract with the Faculty, its committees, and the component hase of investigatory, mediation, and related services;			
	mediation, and relate committees, and the		Contract with others for the purchase of investigatory, s and make these services available to the Faculty, its nt medical societies.			
19 20	(2) services of:	Services	s that may be contracted for under this subsection include the			
21		(i)	Investigators;			
22		(ii)	Attorneys;			
23		(iii)	Accountants;			
24		(iv)	Expert witnesses;			
25		(v)	Consultants; and			
26		(vi)	Mediators.			
27 28	7 (g) The Board may issue subpoenas and administer oaths in connection with 8 any investigation under this section and any hearing or proceeding before it.					
	* *	l 4 of this	s not licensed under this title but covered under § subtitle are subject to the hearing provisions of §			
34	(i) (1) It is the intent of this section that the disposition of every complaint against a licensee that sets forth allegations of grounds for disciplinary action filed with the Board shall be completed as expeditiously as possible and, in any event, within 18 months after the complaint was received by the Board.					

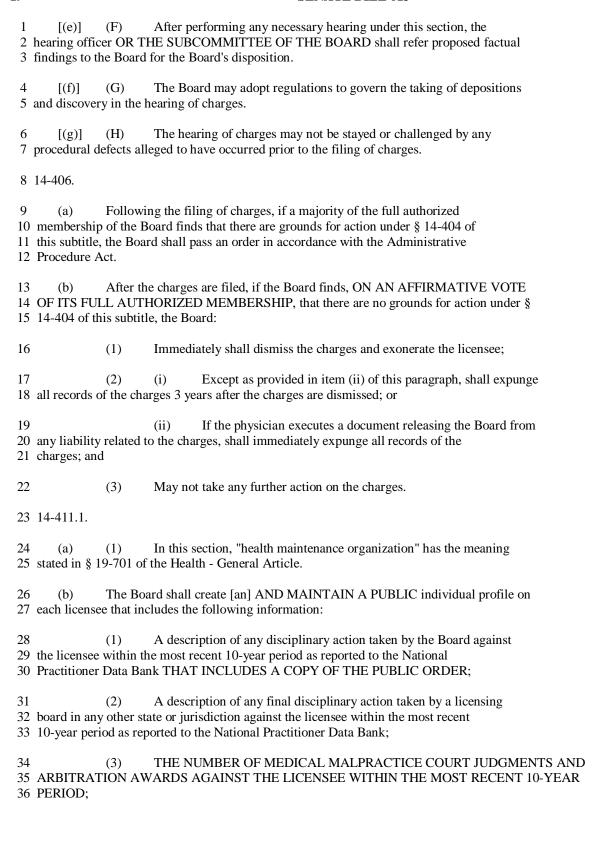


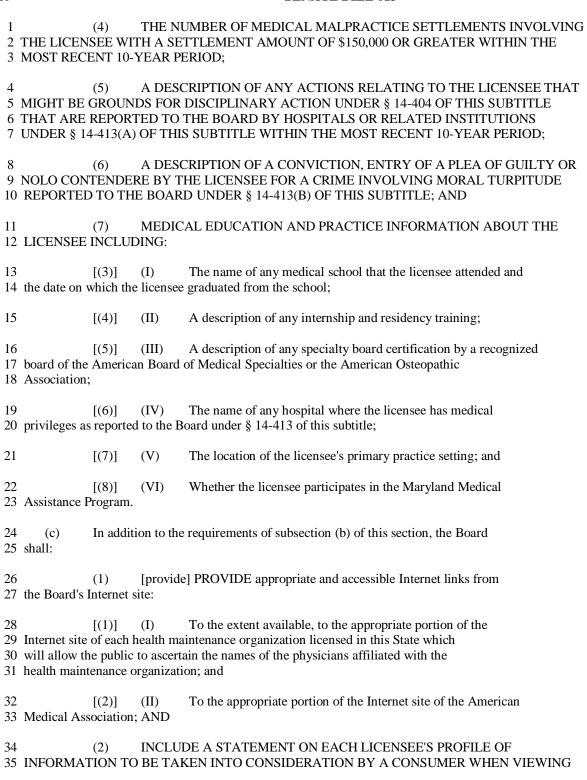




1 2	lapse;	(ii)	Allowed the license issued by the state or country to expire or
3 4	(25) of the Family Law Ar		gly fails to report suspected child abuse in violation of § 5-704
	(26) alternative methods o Article;		educate a patient being treated for breast cancer of nt as required by § 20-113 of the Health - General
8 9	(27) illegitimate medical p		escribes, gives away, or administers drugs for illegal or
10	(28)	Fails to	comply with the provisions of § 12-102 of this article;
		d to the p	withholds from, denies, or discriminates against an rovision of professional services for which the licensee der because the individual is HIV positive;
14 15	(30) existence since July	-	as to an association that has remained in continuous
16 17	pharmacy for the pur	(i) pose of o	Associates with a pharmacist as a partner or co-owner of a perating a pharmacy;
18 19	or	(ii)	Employs a pharmacist for the purpose of operating a pharmacy;
20 21	pharmacy;	(iii)	Contracts with a pharmacist for the purpose of operating a
	(31) feasible or practicabl guidelines on univers	e, fails to	n an emergency life-threatening situation where it is not comply with the Centers for Disease Control's tions;
25	(32)	Fails to	display the notice required under § 14-415 of this title;
26 27	Board;	Fails to	cooperate with a lawful investigation conducted by the
28 29	(34) Insurance Article;	Is convid	cted of insurance fraud as defined in § 27-801 of the
30 31	(35) licensee's receipt of S		ach of a service obligation resulting from the applicant's or deral funding for the licensee's medical education;
32 33	(36) application for licens		y makes a false representation when seeking or making y other application related to the practice of medicine;
34 35	(37) attempts to intimidate		apt means, threats, or force, intimidates or influences, or ence, for the purpose of causing any person to withhold

- 18 SENATE BILL 613 1 or change testimony in hearings or proceedings before the Board or those otherwise 2 delegated to the Office of Administrative Hearings; 3 By corrupt means, threats, or force, hinders, prevents, or otherwise 4 delays any person from making information available to the Board in furtherance of 5 any investigation of the Board; 6 Intentionally misrepresents credentials for the purpose of testifying 7 or rendering an expert opinion in hearings or proceedings before the Board or those 8 otherwise delegated to the Office of Administrative Hearings; or 9 Fails to keep adequate medical records as determined by appropriate (40)10 peer review. 11 (b) On the filing of certified docket entries with the Board by the Office 12 of the Attorney General, the Board shall order the suspension of a license if the 13 licensee is convicted of or pleads guilty or nolo contendere with respect to a crime 14 involving moral turpitude, whether or not any appeal or other proceeding is pending 15 to have the conviction or plea set aside. 16 After completion of the appellate process if the conviction has not 17 been reversed or the plea has not been set aside with respect to a crime involving 18 moral turpitude, the Board shall order the revocation of a license on the certification 19 by the Office of the Attorney General. 20 14-405. 21 (a) Except as otherwise provided in the Administrative Procedure Act, before 22 the Board takes any action under § 14-404(a) of this subtitle or § 14-5A-17(a) or § 23 14-606(f) of this title, it shall give the individual against whom the action is 24 contemplated an opportunity for a hearing before a hearing officer OR THE 25 SUBCOMMITTEE OF THE BOARD ESTABLISHED UNDER SUBSECTION (B) OF THIS 26 SECTION. 27 THE CHAIRMAN OF THE BOARD MAY DELEGATE THE AUTHORITY TO (B) 28 CONDUCT A HEARING TO A SUBCOMMITTEE CONSISTING OF THREE OR MORE BOARD 29 MEMBERS. 30 The hearing officer OR THE SUBCOMMITTEE OF THE BOARD shall [(b)](C)
- 31 give notice and hold the hearing in accordance with the Administrative Procedure Act
- 32 [except that factual findings shall be supported by clear and convincing evidence].
- 33 [(c)](D) The individual may be represented at the hearing by counsel.
- 34 [(d)](E) If after due notice the individual against whom the action is
- 35 contemplated fails or refuses to appear, nevertheless the hearing officer OR THE
- 36 SUBCOMMITTEE OF THE BOARD may hear and refer the matter to the Board for
- 37 disposition.





	A LICENSEE'S PROFILE, INCLUDING FACTORS TO CONSIDER WHEN EVALUATING A LICENSEE'S MALPRACTICE DATA.					
3	(d)	The Board:				
4 5	person, shall			written request for a licensee's profile from any the profile to the person; and		
			RY WHERE	profiles] MAINTAIN A WEBSITE THAT SERVES AS A ALL PHYSICIAN PROFILE INFORMATION IS available		
9 10	(e) available to			of this section, before making a profile initially n (d) of this section, the Board shall:		
	profile by el profile; and			see authorizes and requests a copy of the licensee's licensee with a written copy of the licensee's		
16	NOTIFICA	in the profile	e.] THE BOA	nable period for the licensee to correct any factual ARD SHALL PROVIDE A MECHANISM FOR THE PRRECTION OF ANY FACTUAL INACCURACIES IN A		
	· /	Board again		nformation relating to a final disciplinary action n the licensee's profile within 10 days after the		
21 22	(g) required und	This section ler § 14-411		it the Board's authority to disclose information as e.		
23	14-413.					
24 25	(a) the Board a		ery 6 months	each hospital and related institution shall file with		
26 27	months prec	(i) reding the rep		ns the name of each licensed physician who, during the 6		
28			1.	Is employed by the hospital or related institution;		
29			2.	Has privileges with the hospital or related institution; and		
30 31	institution; a	and	3.	Has applied for privileges with the hospital or related		
32 33	months prec	(ii) reding the rep		whether, as to each licensed physician, during the 6		
34 35	of a physicia	an for staff pr	1. ivileges or li	The hospital or related institution denied the application mited, reduced, otherwise changed, or		

- 22 SENATE BILL 613 1 terminated the staff privileges of a physician, or the physician resigned whether or 2 not under formal accusation, if the denial, limitation, reduction, change, termination, 3 or resignation is for reasons that might be grounds for disciplinary action under § 4 14-404 of this subtitle; 5 2. The hospital or related institution took any disciplinary 6 action against a salaried, licensed physician without staff privileges, including 7 termination of employment, suspension, or probation, for reasons that might be 8 grounds for disciplinary action under § 14-404 of this subtitle; 9 The hospital or related institution took any disciplinary 10 action against an individual in a postgraduate medical training program, including 11 removal from the training program, suspension, or probation for reasons that might 12 be grounds for disciplinary action under § 14-404 of this subtitle; 13 A licensed physician or an individual in a postgraduate 14 training program voluntarily resigned from the staff, employ, or training program of 15 the hospital or related institution for reasons that might be grounds for disciplinary 16 action under § 14-404 of this subtitle; or 17 The hospital or related institution placed any other 5. 18 restrictions or conditions on any of the licensed physicians as listed in items 1 19 through 4 of this subparagraph for any reasons that might be grounds for disciplinary 20 action under § 14-404 of this subtitle. 21 (2) The hospital or related institution shall: 22 Submit the report within 10 days of any action described in 23 paragraph (1)(ii) of this subsection; and 24 State in the report the reasons for its action or the nature of the (ii) 25 formal accusation pending when the physician resigned. The Board may extend the reporting time under this subsection for 26 (3) good cause shown. 27
- 28 (4) The minutes or notes taken in the course of determining the denial,
- 29 limitation, reduction, or termination of the staff privileges of any physician in a
- 30 hospital or related institution are not subject to review or discovery by any person.
- 31 Each court shall report to the Board each conviction of or entry of a (b) (1)
- 32 plea of guilty or nolo contendere by a physician for any crime involving moral
- 33 turpitude.
- 34 (2) The court shall submit the report within 10 days of the conviction or
- 35 entry of the plea.
- 36 The Board may enforce this section by subpoena. (c)

1 (d) Any person shall have the immunity from liability described under § 2 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the 3 information required by this section. 4 A report made under this section is not subject to subpoena or discovery in 5 any civil action other than a proceeding arising out of a hearing and decision of the 6 Board under this title. Failure to report pursuant to this section shall result in imposition of a 7 (f) 8 civil penalty of up to \$5,000 by a circuit court of this State. 9 14-5A-25. 10 Subject to the evaluation and reestablishment provisions of the Maryland 11 Program Evaluation Act AND SUBJECT TO THE TERMINATION OF THIS TITLE UNDER 12 § 14-702 OF THIS TITLE, this subtitle and all rules and regulations adopted under this 13 subtitle shall terminate and be of no effect after July 1, 2006. 14 14-702. 15 Subject to the evaluation and reestablishment provisions of the Program 16 Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2003] 2008. 18 **Article - State Government** 19 8-403. 20 Except as otherwise provided in subsection (a) of this section, on or before (b) 21 the evaluation date for the following governmental activities or units, an evaluation 22 shall be made of the following governmental activities or units and the statutes and 23 regulations that relate to the governmental activities or units: 24 Physician Quality Assurance, State Board of (§ 14-201 of the Health (50)25 Occupations Article: July 1, [2002] 2007); SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland 26 27 read as follows: 28 **Article - Health Occupations** 29 14-207. The Board shall pay all fees collected under the provisions of this title 30 (1) 31 to the Comptroller of the State. 32 The Comptroller shall distribute[: (2) 14 percent of the fees received from the Board to the State 33 34 Scholarship Administration to be used as follows:

1 2	Shortage Incentive	1. e Grant Program u	One-half to make grants under the Health Manpower nder § 18-803 of the Education Article; and
5 6 7	Loan Assistance R physicians engage care who agree to	d in primary care of practice for at lease the State that has	One-half to make grants under the Janet L. Hoffman n under 18-1502(c) of the Education Article to or to medical residents specializing in primary t 2 years as primary care physicians in a been designated by the Secretary of Health and underserved; and
9 10	Assurance Fund.	(ii) The b	palance of] the fees to the Board of Physician Quality
		bers appointed to t	THER ENACTED, That the terms of the he State Board of Physician Quality Assurance
14	4 (1) 3 ph	ysician members in	n 2004; and
15	5 (2) 3 ph	ysician members in	n 2006.
18 19 20 21 22 23 24	7 Physician Quality 8 Health, and Envir 9 Committee, the H 10 Appropriations Co 12-1246 of the Stat 12 including a review 13 impact of any pro 14 the Board determine	Assurance shall recommental Affairs (couse Environment committee on or before Government Art of the impact of a cedural, regulatory ines that legislation	THER ENACTED, That the State Board of eport to the Governor, the Senate Education, Committee, the Senate Budget and Taxation all Matters Committee, and the House fore November 1, 2002, in accordance with § cicle, on the financial condition of the Board, any legislation enacted in 2002 and a review of the sy, or other changes implemented by the Board. If an enacted in 2002 will not resolve the financial hall detail how the Board intends to:
26	5 (1) stabi	lize long-term fina	ances of the Board;
27	7 (2) achie	eve necessary fund	balances; and
28	3 (3) fully	meet the responsi	bilities and mission of the Board.
31 32	Physician Quality Health, and Envir Committee on or	Assurance shall ro onmental Affairs O before January 1, 2	THER ENACTED, That the State Board of eport to the Governor, the Senate Education, Committee and the House Environmental Matters 2003, in accordance with § 2-1246 of the State e caseloads of Board investigators including:
34	4 (1) the o	ptimal level of cas	seloads;
35	5 (2) addit	ional tools require	d to improve investigator productivity;
36 37			resources required to meet optimal caseload levels ove productivity; and

- 1 (4) a detailed plan to address the expenditures identified in the fiscal 2 estimate.
- 3 SECTION 6. AND BE IT FURTHER ENACTED, That on or before January 1,
- 4 2003, the State Board of Physician Quality Assurance and the Office of the Attorney
- 5 General (OAG) shall:
- 6 (1) review all aspects of the Board investigative processes;
- 7 (2) recommend a revised investigative process that will ensure in a consistent
- 8 manner that all cases transmitted to the OAG are fully investigated and developed to
- 9 the satisfaction of both the Board and the OAG so that cases can proceed with the
- 10 minimum of additional delay after transmittal; and
- 11 (3) in accordance with § 2-1246 of the State Government Article, report to the
- 12 Governor, the Senate Education, Health, and Environmental Affairs Committee and
- 13 the House Environmental Matters Committee on the findings, recommendations and
- 14 any legislative or regulatory changes necessary to implement the recommended
- 15 changes.
- 16 SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of
- 17 Physician Quality Assurance, in conducting an Exceptions Hearing as provided in
- 18 COMAR 10.32.02.03F, shall provide an opportunity to appear before the Board to both
- 19 the licensee who has been charged and the individual who has filed the complaint
- 20 against the licensee giving rise to the charge and shall adopt regulations to
- 21 implement this section.
- 22 SECTION 8. AND BE IT FURTHER ENACTED, That the entity or entities with
- 23 which the State Board of Physician Quality Assurance contracts under § 14-401(e) of
- 24 the Health Occupations Article for further investigation and peer review of
- 25 allegations based on § 14-404(a)(22) of the Health Occupations Article shall utilize
- 26 two peer reviewers, and in the event of a lack of agreement between the two
- 27 reviewers, the Board shall utilize a third reviewer to render a final peer review
- 28 decision.
- 29 SECTION 9. AND BE IT FURTHER ENACTED, That the provisions of § 8-404
- 30 of the State Government Article requiring a preliminary evaluation do not apply to
- 31 the State Board of Physician Quality Assurance prior to the evaluation required on or
- 32 before July 1, 2007.
- 33 SECTION 10. AND BE IT FURTHER ENACTED, That Section 2 of this Act
- 34 shall take effect July 1, 2003 contingent on the Governor including in the budget for
- 35 fiscal year 2004 at least \$750,000 for the operation of the Health Manpower Shortage
- 36 Incentive Grant Program and the Loan Assistance Repayment Program Primary
- 37 Care Services administered by the Maryland Higher Education Commission.
- 38 SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in
- 39 Section 10 of this Act, this Act shall take effect July 1, 2002.