

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 894 (Delegate Owings, *et al.*)
Environmental Matters

Hospitals - Due Process - Certified Nurse Midwives

This bill permits a hospital to grant admitting and clinical privileges to certified nurse midwives.

Fiscal Summary

State Effect: The bill's penalty provisions are not expected to significantly affect State finances or operations.

Local Effect: None.

Small Business Effect: Potential minimal. Small business certified nurse midwives could be granted staff privileges at hospitals.

Analysis

Bill Summary: A hospital may grant privileges to certified nurse midwives through a process that includes: (1) a formal written appointment process documenting the provider's education, clinical expertise, licensure history, insurance history, medical history, claims history, and professional experience; (2) a requirement that an initial appointment to staff not be complete until the provider has successfully completed a probationary period; and (3) a formal, written reappointment process to be conducted at least every two years.

A hospital may not deny an application for admitting or clinical privileges or restrict or terminate the membership or privileges of a certified nurse midwife solely on the basis of the type of license, certification, or other authorization the certified nurse midwife has if

the hospital provides health care services within a certified nurse midwife's lawful scope of practice.

The medical staff bylaws must provide certain rights to certified nurse midwives, including notification of any negative decisions regarding admitting or clinical privileges, a written statement of the reasons why membership or privileges were denied or restricted, a fair hearing, the presence of an attorney at the hearing, and an appeals process.

A hospital that violates the bill's requirements is subject to the current law penalties of delicensure or a fine of \$500 per day.

Current Law: A hospital is required to establish a credentialing process for physicians who are employed by or who have staff privileges at the hospital. DHMH must establish minimum standards for the credentialing process. A hospital that fails to establish or maintain a credentialing process may be subject to delicensure by DHMH or a \$500 per day fine for each day the violation continues.

A hospital must include in its bylaws, rules, or regulations, provisions for use of facilities by and staff privileges for: (1) podiatrists; (2) qualified dentists; and (3) licensed psychologists. A hospital is not required to grant admitting privileges to a licensed psychologist and may restrict staff privileges of podiatrists and dentists.

Additional Information

Prior Introductions: A similar bill, HB 1146, was introduced in the 2000 session but was not reported from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Health Services Cost Review Commission, Maryland Health Care Commission, Board of Physician Quality Assurance), Department of Legislative Services

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