

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL NO. 500

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 24 down through “Governor;” in line 25; and in line 26, after “Board” insert “after the term of the initial chairman appointed by the Governor”.

On page 2, strike beginning with “, physician” in line 10 down through “rehabilitation,” in line 11; in line 13, after “Board;” insert “requiring the Board to adopt certain regulations regarding the Physician Rehabilitation Committee;”; in the same line, strike “prohibiting” and substitute “authorizing”; in line 16, strike “entity or entities with whom the Board contracts” and substitute “Faculty”; in line 30, strike “a”; in the same line after “new” insert “members of the”; and in line 31, after “Senate;” insert “providing for the expiration of the terms of certain members of the Board by a certain date; requiring the appointment of certain additional Board members;”.

On page 3, in line 1, after “date;” insert “providing for the construction of this Act; authorizing the Board to utilize certain peer review services until a certain time; providing for all functions and operations of the State Board of Physician Quality Assurance to continue under the Board;”.

AMENDMENT NO. 2

On page 5, strike beginning with “ENTITY” in line 7 down through “TITLE” in line 8 and substitute “FACULTY”.

On page 6, strike beginning with “appointed” in line 32 down through “Association” in line 33.

On page 13, in line 18, strike “IF AN ALLEGATION IS BASED ON § 14-404(40) OF THIS SUBTITLE,”.

(Over)

On page 14, in line 6, strike “EXCEPT FOR THE PHYSICIAN REHABILITATION COMMITTEE.”; and in line 28, strike “PHYSICIAN REHABILITATION.”.

On page 15, strike beginning with “MAKE” in line 3 down through “TO” in line 4; in line 4, after “STATE” insert “UNLESS THE USE OF MARYLAND PHYSICIANS IS IMPRACTICAL”; in line 17, strike “HAS BEEN” and substitute “WHO HAS BEEN REFERRED TO THE PHYSICIAN REHABILITATION COMMITTEE BY THE BOARD IS”; in line 18, strike “FOR 60 DAYS”; in line 19, after “NONCOMPLIANCE” insert “IMMEDIATELY”; and after line 19, insert:

“(3) THE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE THE PHYSICIAN REHABILITATION COMMITTEE TO SUBMIT PERIODIC REPORTS TO THE BOARD ON THE PROGRESS OF PHYSICIANS WHO HAVE BEEN REFERRED TO THE PHYSICIAN REHABILITATION COMMITTEE BY THE BOARD.”.

On page 16, in line 37, after “program” insert “BY THE FACULTY”.

On page 17, in line 2, after “program” insert “OF THE FACULTY”; in line 5, after “CONTRACTS” insert “AND THE FACULTY”; strike beginning with “ENTITY” in line 6 down through “CONTRACTS” in line 7 and substitute “FACULTY”; in line 15, strike the bracket; and strike beginning with “physician” in line 15 down through “activities]” in line 16.

On page 22, strike in their entirety lines 17 through 24, inclusive; in lines 29 and 32, strike “(5)” and “(6)”, respectively, and substitute “(3)” and “(4)”, respectively.

On page 23, strike beginning with “, INCLUDING” in line 21 down through “DATA” in line 22.

On page 26, in lines 18 and 27, in each instance, strike the bracket; strike beginning with “ENTITY” in line 19 down through “ARTICLE” in line 20; strike beginning with “The” in line 21 down through “Program” in line 24 and substitute “AFTER REVIEW AND APPROVAL BY THE BOARD OF A BUDGET SUBMITTED BY THE PHYSICIAN REHABILITATION COMMITTEE, THE BOARD MAY ALLOCATE MONEYS FROM THE FUND TO THE PHYSICIAN ASSISTANT REHABILITATION PROGRAM”; and strike beginning with “ENTITY” in line 27 down through “ARTICLE” in line 28.

### AMENDMENT NO. 3

On pages 27 and 28, strike beginning with “That” in line 22 on page 27 through “2008.” in line 1 on page 28 and substitute “That the terms of the current members of the State Board of

Physician Quality Assurance whose terms expire on June 30, 2003 shall be extended until July 31, 2003, and those members shall serve as members of the State Board of Physicians until July 31, 2003.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the members of the State Board of Physicians appointed to fill the vacancies created by the expiration of those terms extended until July 31, 2003 under Section 2 of this Act shall expire as follows:

- (1) two physician members and one consumer member on June 30, 2005; and
- (2) one physician member on June 30, 2006.

SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the other members of the State Board of Physicians appointed by the Governor on August 1, 2003, shall expire as follows:

- (1) one consumer member and the physician assistant member on June 30, 2005;  
and
- (2) one physician member, two consumer members, and the physician member representative of an academic medical institution on June 30, 2006.

SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the remaining eleven members of the State Board of Physicians shall expire on June 30, 2004.

SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the members of the State Board of Physicians appointed to replace those members whose terms expire on June 30, 2004 shall expire as follows:

- (1) four physician members and the representative of the Department on June 30, 2007; and
- (2) three physicians, the physician appointed at the discretion of the Governor, one consumer member, and the public member on June 30, 2008.

SECTION 7. AND BE IT FURTHER ENACTED, That notwithstanding § 14-203 of the Health Occupations Article as enacted by Section 1 of this Act, the Governor shall appoint the initial Chairman of the State Board of Physicians whose term shall expire on June 30, 2005. Thereafter, the Chairman shall be elected in accordance with the provisions of §14-203 of the Health Occupations Article.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act may not be construed to:

(1) affect any contracts previously entered into by the State Board of Physician Quality Assurance in effect as of the effective date of this Act, except as specifically required by this Act;

(2) affect the continuation of any peer review process according to procedures in effect at the time the investigation was begun, except in accordance with any new procedures implemented by the State Board of Physicians in accordance with this Act;

(3) affect any charge issued by the State Board of Physician Quality Assurance or affect any hearing on charges except as provided in § 14-405(b) of the Health Occupations Article;

(4) affect any sanction previously imposed by the State Board of Physician Quality Assurance; or

(5) affect any appeal from an order of the State Board of Physician Quality Assurance.

SECTION 9. AND BE IT FURTHER ENACTED, That the State Board of Physicians may utilize peer review services already funded and for which funds have already been transferred under Title 14 of the Health Occupations Article until at least such time as a contract with an entity is established under § 14-401 of the Health Occupations Article.

SECTION 10. AND BE IT FURTHER ENACTED, That all functions and operations of the State Board of Physician Quality Assurance shall continue under the State Board of Physicians.”.

On page 28, in lines 15 and 27, strike “5.” and “6.”, respectively, and substitute “11.” and “12.”, respectively.

On page 29, in lines 3, 9, 15, 24, 28, and 36, strike "7.", "8.", "9.", "10.", "11.", and "12.", respectively, and substitute "13.", "14.", "15.", "16.", "17.", and "18.", respectively.