Unofficial Copy J2 2003 Regular Session 3lr1246

By: Delegate McHale

Introduced and read first time: January 27, 2003 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 Health Occupations - Medical Review Committees

- 3 FOR the purpose of expanding the category of medical review committees to include a
- 4 certain center designated by the Maryland Health Commission; and generally
- 5 relating to medical review committees.
- 6 BY repealing and reenacting, with amendments,
- 7 Article Health Occupations
- 8 Section 1-401
- 9 Annotated Code of Maryland
- 10 (2000 Replacement Volume and 2002 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

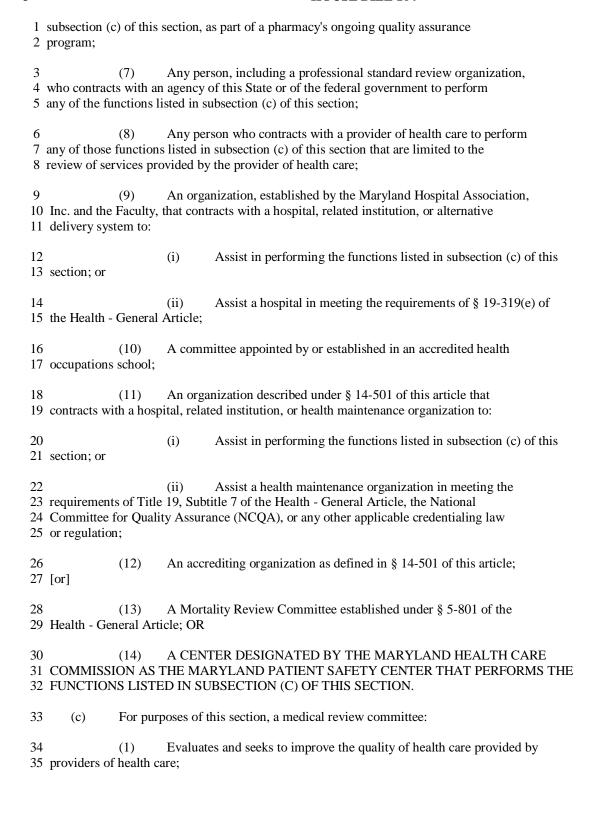
14 1-401.

- 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;
- 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;

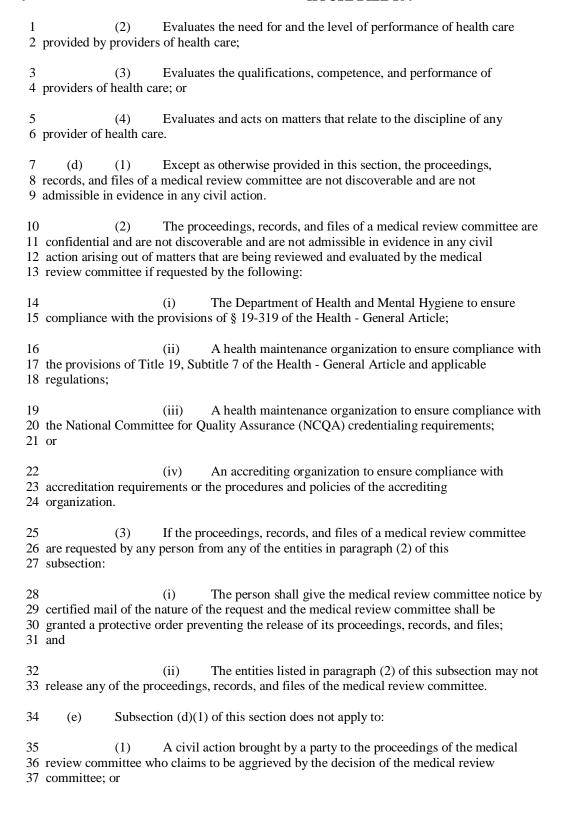
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1 2	1 2 defined in § 19-3B-01 of the	5. Health - C	A freestanding ambulatory care facility as that term is General Article; or	
3	3 4 medical review committee.	6.	Any other health care delivery system that utilizes a	
5	5 (3) "Med	ical review	committee" means a committee or board that:	
6 7	6 (i) 7 section; and	Is withi	n one of the categories described in subsection (b) of this	
8 9	` /	(ii) Performs functions that include at least one of the functions listed in subsection (c) of this section.		
10 11	0 (4) (i) 11 law to provide health care to		er of health care" means any person who is licensed by lls.	
14	(ii) "Provider of health care" does not include any nursing institution that is conducted by and for those who rely on treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.			
16 17			Institute for Emergency Medical Services Systems" 13-503 of the Education Article.	
18	8 (b) For purposes o	f this secti	on, a medical review committee is:	
19 20	19 (1) A reg 20 license, certify, or discipline		ard or agency established by State or federal law to der of health care;	
			the Faculty or any of its component societies or a ociety or association composed of providers of	
24 25	24 (3) A con 25 for review purposes;	nmittee ap	pointed by or established in a local health department	
26 27	26 (4) A con 27 for Emergency Medical Ser		pointed by or established in the Maryland Institute ems;	
30 31 32	29 risk management, credentia 30 accordance with § 19-319 o 31 institution, or alternative he 32 related institution, or alterna	ling, or util f the Healt alth care sy ative health	the medical staff or other committee, including any lization review committee established in h - General Article, of a hospital, related ystem, if the governing board of the hospital, a care system forms and approves the aws under which the committee operates;	
34 35	` /		individual designated by the holder of a pharmacy article, that performs the functions listed in	

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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) (1) A person shall have the immunity from liability described under § 5 5-637 of the Courts and Judicial Proceedings Article for any action as a member of 6 the medical review committee or for giving information to, participating in, or 7 contributing to the function of the medical review committee. 8 A contribution to the function of a medical review committee includes (2)9 any statement by any person, regardless of whether it is a direct communication with 10 the medical review committee, that is made within the context of the person's 11 employment or is made to a person with a professional interest in the functions of a 12 medical review committee and is intended to lead to redress of a matter within the 13 scope of a medical review committee's functions. 14 (g) Notwithstanding this section, §§ 14-410 and 14-412 of this article apply 15 to: 16 (1) The Board of Physician Quality Assurance; and 17 Any other entity, to the extent that it is acting in an investigatory (2) 18 capacity for the Board of Physician Quality Assurance. 19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect