

Department of Legislative Services

Maryland General Assembly

2003 Session

FISCAL AND POLICY NOTE

Revised

House Bill 164

(Delegate McHale)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations - Medical Review Committees

This bill broadens the definition of “medical review committee” to include a center designated by the Maryland Health Care Commission (MHCC) as the Maryland Patient Safety Center that performs quality of health care functions, for the purpose of extending immunity from discovery in certain civil actions to the Maryland Patient Safety Center.

The bill takes effect July 1, 2003. Unless MHCC has designated a center as the Maryland Patient Safety Center, the bill’s provisions terminate June 30, 2005.

Fiscal Summary

State Effect: The bill would not substantively change State activities or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A medical review committee is: (1) a regulatory board or agency established by State or federal law to license, certify, or discipline a health care provider; or (2) another group of specified individuals that: (a) evaluates and seeks to improve the quality of health care provided by health care providers; (b) evaluates the need for and the level of performance of health care provided by health care providers; (c) evaluates the qualifications, competence, and performance of health care providers; or (d) evaluates and acts on matters that relate to the discipline of any health care provider.

The proceedings, records, and files of a medical review committee are confidential and are not discoverable or admissible in evidence in any civil action arising out of matters that are being reviewed and evaluated by the committee.

A person has immunity from liability for any action as a member of the medical review committee or for giving information to, participating in, or contributing to the function of the medical review committee.

Background: The Patients' Safety Act of 2001 (Chapter 318 of 2001) required MHCC, in consultation with the Department of Health and Mental Hygiene (DHMH), to study the feasibility of developing a system for reducing the incidences of preventable adverse medical events in the State, including a system of reporting such incidences. MHCC was required to issue a final report with recommendations by January 1, 2003 to the Governor, the House Economic Matters and House Environmental Matters committees, and the Senate Finance Committee. The final report recommended the establishment of the Maryland Patient Safety Center (MPSC) as the foundation of the patient safety effort and recommended any reports made by MPSC be protected from discovery to encourage voluntary reporting of medical errors. Its purpose would be to provide a means to share information among health care facilities without fear of reprisal and to exchange ideas about how to address adverse events and improve processes of care. MPSC would serve as the data repository center for voluntarily reported adverse events and near misses and as the primary coordinator for educational activities related to building consensus around patient safety issues.

The University of Maryland's Health Policy Organized Research Center will serve as MPSC.

MHCC supported an application by the Health Policy Organized Research Center to the federal Agency for Health Care Research and Quality (AHRQ) to fund the development of MPSC for a three-year period at \$500,000 per year. This grant, if awarded, will provide funding to establish the center.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 3, 2003
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