

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 282
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “circumstances;” insert “altering the percentages of certain fees required to be distributed in certain fiscal years from the Board to the Office of Student Financial Assistance within the Maryland Higher Education Commission for certain uses under certain circumstances;”.

On page 2, in line 5, after “penalty” insert “in lieu of certain sanctions”; in line 19, after “circumstances;” insert “prohibiting certain stays of challenges because of the selection of certain peer reviewers prior to certain filings;”; and strike beginning with “modifying” in line 33 down through “profiles” in line 35 and substitute “repealing the requirement that certain medical malpractice settlement information be available as part of a licensee’s public individual profile; requiring the Board to provide certain notification regarding certain malpractice settlement information on the Board’s Internet site; requiring the Board to provide certain information within a certain period of time”.

On page 3, strike beginning with “requiring” in line 5 down through “circumstances;” in line 7; in line 23, after “date;” insert “requiring the Board to provide certain training to certain personnel of the Office of Administrative Hearings;”; in line 26, after “date;” insert “requiring the Board to submit a certain report regarding certain disagreement among certain peer reviewers on or before a certain date; requiring the Governor to include funding for certain new regular positions for the Board in the annual budget bill for a certain fiscal year; requiring the Chief Administrative Law Judge to designate certain administrative law judges to hear certain cases referred by the Board;”; in line 32, strike “14-405,”; in line 33, strike “14-411(b) and (c)” and substitute “14-411(c)”; in the same line, strike “14-411.1(b)(4),”

(Over)

and substitute “14-411.1(b), (c), and (d).”; in line 39, after “14-411(a)” insert “and (b)”; and in the same line, strike “14-411.1(b)(3).”.

AMENDMENT NO. 2

On page 7, in line 26, after the second “the” insert “**JANET L. HOFFMAN**”.

On page 8, in line 1, strike “14” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10**”; after line 13, insert:

“(II) 1. FOR FISCAL 2008, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 14 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. FOR FISCAL 2009, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 12 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 14, strike “(ii)” and substitute “**(III)**”; and in line 16, after the second “the” insert “**JANET L. HOFFMAN**”.

AMENDMENT NO. 3

On page 11, in line 26, after “CREDIT” insert “**IN LIEU OF A SANCTION UNDER § 14-404 OF THIS TITLE**”.

AMENDMENT NO. 4

On page 15, in line 5, strike “their own licenses” and substitute “**THE PEER REVIEWER’S OWN LICENSE**”; and in line 8, after “**LICENSED**” insert “**AND ENGAGED IN THE PRACTICE OF MEDICINE WITHIN THE PAST YEAR**”.

AMENDMENT NO. 5

On pages 19 and 20, strike in their entirety the lines beginning with line 13 on page 19 through line 2 on page 20, inclusive.

AMENDMENT NO. 6

On page 20, after line 23, insert:

“(1) A description of any disciplinary action taken by the Board against the licensee within the most recent 10-year period that includes a copy of the public order;

(2) A description in summary form of any final disciplinary action taken by a licensing board in any other state or jurisdiction against the licensee within the most recent 10-year period;”;

and strike in their entirety lines 27 through 29, inclusive, and substitute:

“[(5)] (4) A description of a conviction or entry of a plea of guilty or nolo contendere by the licensee for a crime involving moral turpitude reported to the Board under § 14–413(b) of this subtitle; and

[(6)] (5) Medical education and practice information about the licensee including:

(i) The name of any medical school that the licensee attended and the date on which the licensee graduated from the school;

(Over)

- (ii) A description of any internship and residency training;
 - (iii) A description of any specialty board certification by a recognized board of the American Board of Medical Specialties or the American Osteopathic Association;
 - (iv) The name of any hospital where the licensee has medical privileges as reported to the Board under § 14-413 of this subtitle;
 - (v) The location of the licensee's primary practice setting; and
 - (vi) Whether the licensee participates in the Maryland Medical Assistance Program.
- (c) In addition to the requirements of subsection (b) of this section, the Board shall:
 - (1) Provide appropriate and accessible Internet links from the Board's Internet site:
 - (i) To the extent available, to the appropriate portion of the Internet site of each health maintenance organization licensed in this State which will allow the public to ascertain the names of the physicians affiliated with the health maintenance organization; and
 - (ii) To the appropriate portion of the Internet site of the American Medical Association; [and]
 - (2) Include a statement on each licensee's profile of information to be taken into consideration by a consumer when viewing a licensee's profile, including factors to consider when evaluating a licensee's malpractice data; AND

(3) PROVIDE ON THE BOARD'S INTERNET SITE:

(I) NOTIFICATION THAT A PERSON MAY CONTACT THE BOARD BY TELEPHONE, ELECTRONIC MAIL, OR WRITTEN REQUEST TO FIND OUT WHETHER THE NUMBER OF MEDICAL MALPRACTICE SETTLEMENTS INVOLVING A PARTICULAR LICENSEE TOTALS THREE OR MORE WITH A SETTLEMENT AMOUNT OF \$150,000 OR GREATER WITHIN THE MOST RECENT 10-YEAR PERIOD AS REPORTED TO THE BOARD; AND

(II) A TELEPHONE NUMBER, ELECTRONIC MAIL ADDRESS, AND PHYSICAL ADDRESS THROUGH WHICH A PERSON MAY CONTACT THE BOARD TO REQUEST THE INFORMATION REQUIRED TO BE PROVIDED UNDER ITEM (I) OF THIS ITEM.

(d) The Board:

(1) On receipt of a written request for a licensee's profile from any person, shall forward a written copy of the profile to the person; [and]

(2) Shall maintain a website that serves as a single point of entry where all physician profile information is available to the public on the Internet; AND

(3) ON RECEIPT OF A VERBAL, ELECTRONIC, OR WRITTEN REQUEST IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION, SHALL PROVIDE THE INFORMATION WITHIN 2 BUSINESS DAYS OF THE REQUEST."

AMENDMENT NO. 7

On page 24, in line 30, after "THE" insert "**JANET L. HOFFMAN**".

(Over)

On page 25, in line 4, strike “14” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10”; after line 19, insert:

“(II) 1. FOR FISCAL 2008, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 14 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. FOR FISCAL 2009, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 12 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 20, strike “(II)” and substitute “(III)”; and in line 23, after “THE” insert “JANET L. HOFFMAN”.

AMENDMENT NO. 8

On page 29, after line 16, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the Chief Administrative Law Judge shall designate a pool of administrative law judges in the Office of Administrative Hearings to hear cases referred to it by the State Board of Physicians.

SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall provide training at least annually to the personnel of the Office of Administrative Hearings in order to improve the quality and efficiency of the hearings

in physician discipline cases. The training shall include medical terminology, medical ethics, and, to the extent practicable, descriptions of basic medical and surgical procedures currently in use.”;

in lines 17 and 30, strike “4.” and “5.”, respectively, and substitute “6.” and “9.”, respectively; and after line 29, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, on or before December 31, 2008, regarding:

(1) how many complaints reviewed by two peer reviewers resulted in disagreement between the peer reviewers; and

(2) of these complaints, how many resulted in charges being brought against a licensee.

SECTION 8. AND BE IT FURTHER ENACTED, That for fiscal 2009, the Governor shall include in the annual budget bill funding for an additional 7 new regular positions as compliance analysts for the State Board of Physicians, to be fully funded by the Board of Physicians Fund established under § 14-207 of the Health Occupations Article, in order to efficiently investigate complaints and protect the health, safety, and welfare of the public.”.

On page 30, in line 1, strike “6.” and substitute “10.”.