

# SENATE BILL 402

J2, C4  
SB 882/09 – EHE

0lr1492

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By: **Senators Klausmeier, Conway, Currie, Mooney, and Stone**

Introduced and read first time: January 29, 2010

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Physicians – Professional Liability Insurance Coverage – Notification and**  
3 **Posting Requirements**

4 FOR the purpose of requiring physicians licensed to practice medicine in the State to  
5 notify patients in writing and on ~~each visit~~ certain visits of certain information  
6 relating to professional liability insurance coverage; requiring a certain  
7 notification to be provided to a patient at a certain time, signed by a patient at a  
8 certain time, and retained by a physician as part of the physician's patient  
9 records; requiring certain physicians to post certain information in their place of  
10 practice; requiring the Board of Physicians to devise certain language for  
11 certain notice requirements; and generally relating to physicians and  
12 professional liability insurance.

13 BY adding to

14 Article – Health Occupations

15 Section 14–508

16 Annotated Code of Maryland

17 (2009 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health Occupations**

21 **14–508.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) EACH LICENSEE PRACTICING MEDICINE IN THE STATE SHALL  
 2 NOTIFY A PATIENT IN WRITING ~~AND ON EACH VISIT~~ IF:

3 (1) THE LICENSEE DOES NOT MAINTAIN PROFESSIONAL  
 4 LIABILITY INSURANCE COVERAGE; OR

5 (2) THE LICENSEE HAS BEEN NOTIFIED BY THE LICENSEE'S  
 6 LIABILITY INSURANCE CARRIER THAT THE LICENSEE'S PROFESSIONAL  
 7 LIABILITY INSURANCE COVERAGE HAS LAPSED FOR ANY PERIOD OF TIME AND  
 8 OR THE LICENSEE'S COVERAGE HAS NOT BEEN RENEWED.

9 (B) THE WRITTEN NOTIFICATION ~~PROVIDED TO THE PATIENT~~  
 10 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MUST BE:

11 ~~(1) SIGNED BY THE PATIENT AT THE TIME OF THE PATIENT'S~~  
 12 ~~VISIT; AND~~

13 (1) (i) PROVIDED AT THE PATIENT'S FIRST VISIT IF THE  
 14 LICENSEE DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE  
 15 COVERAGE; OR

16 (ii) PROVIDED AT THE PATIENT'S FIRST VISIT FOLLOWING  
 17 THE LICENSEE'S RECEIPT OF NOTIFICATION OF THE LAPSE OR NONRENEWAL OF  
 18 THE LICENSEE'S PROFESSIONAL LIABILITY INSURANCE COVERAGE;

19 (2) SIGNED BY THE PATIENT AT THE TIME OF THE VISIT AT WHICH  
 20 THE WRITTEN NOTIFICATION IS PROVIDED TO THE PATIENT; AND

21 ~~(2)~~ (3) RETAINED BY THE LICENSEE AS PART OF THE  
 22 LICENSEE'S PATIENT RECORDS.

23 (C) EACH LICENSEE PRACTICING MEDICINE IN THE STATE WHO DOES  
 24 NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE MUST  
 25 CONSPICUOUSLY POST SUCH INFORMATION IN THE LICENSEE'S PLACE OF  
 26 PRACTICE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Physicians  
 28 shall devise appropriate language for the notification requirements provided for in this  
 29 Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 31 October 1, 2010.