

SENATE BILL 5

J2, C4
SB 402/10 – EHE

(PRE-FILED)

11r0506

By: **Senators Klausmeier, Rosapepe, and Stone**

Requested: November 9, 2010

Introduced and read first time: January 13, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 certain visits of certain information relating to
6 professional liability insurance coverage; requiring a certain notification to be
7 provided to a patient at a certain time, signed by a patient at a certain time,
8 and retained by a physician as part of the physician's patient records; requiring
9 certain physicians to post certain information in their place of practice;
10 requiring the Board of Physicians to devise certain language for certain
11 notification requirements; and generally relating to physicians and professional
12 liability insurance.

13 BY adding to

14 Article – Health Occupations

15 Section 14–508

16 Annotated Code of Maryland

17 (2009 Replacement Volume and 2010 Supplement)

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.**

22 **(A) EACH LICENSEE PRACTICING MEDICINE IN THE STATE SHALL**
23 **NOTIFY A PATIENT IN WRITING IF:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) THE LICENSEE DOES NOT MAINTAIN PROFESSIONAL**
2 **LIABILITY INSURANCE COVERAGE; OR**

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

7 **(B) THE WRITTEN NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF**
8 **THIS SECTION MUST BE:**

9 **(1) (I) PROVIDED AT THE PATIENT'S FIRST VISIT IF THE**
10 **LICENSEE DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE**
11 **COVERAGE; OR**

12 **(II) PROVIDED AT THE PATIENT'S FIRST VISIT FOLLOWING**
13 **THE LICENSEE'S RECEIPT OF NOTIFICATION OF THE LAPSE OR NONRENEWAL OF**
14 **THE LICENSEE'S PROFESSIONAL LIABILITY INSURANCE COVERAGE;**

15 **(2) SIGNED BY THE PATIENT AT THE TIME OF THE VISIT AT WHICH**
16 **THE WRITTEN NOTIFICATION IS PROVIDED TO THE PATIENT; AND**

17 **(3) RETAINED BY THE LICENSEE AS PART OF THE LICENSEE'S**
18 **PATIENT RECORDS.**

19 **(C) EACH LICENSEE PRACTICING MEDICINE IN THE STATE WHO DOES**
20 **NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE MUST**
21 **CONSPICUOUSLY POST SUCH INFORMATION IN THE LICENSEE'S PLACE OF**
22 **PRACTICE.**

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2011.