

SENATE BILL 5

J2, C4

11r0506

SB 402/10 – EHE

(PRE-FILED)

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

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 28, 2011

CHAPTER _____

1 AN ACT concerning

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

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

14 BY adding to

15 Article – Health Occupations

16 Section 14–508

17 Annotated Code of Maryland

18 (2009 Replacement Volume and 2010 Supplement)

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

21 **Article – Health Occupations**

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 14-508.

2 (A) IN THIS SECTION, "MEDICAL PROFESSIONAL LIABILITY INSURANCE
3 COVERAGE" INCLUDES:

4 (1) MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE
5 WRITTEN AS AN INDIVIDUAL POLICY;

6 (2) MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE
7 PROVIDED UNDER A GROUP POLICY OR SELF-INSURANCE PROGRAM BY A
8 HOSPITAL OR OTHER HEALTH CARE FACILITY COVERING THE LICENSEES WHO
9 PRACTICE MEDICINE AT OR FOR THE HOSPITAL OR OTHER HEALTH CARE
10 FACILITY; AND

11 (3) PROTECTION PROVIDED UNDER LOCAL GOVERNMENT
12 INSURANCE PROGRAMS, THE FEDERAL TORT CLAIMS ACT, OR THE MARYLAND
13 TORT CLAIMS ACT.

14 ~~(A)~~ (B) EACH LICENSEE PRACTICING MEDICINE IN THE STATE SHALL
15 NOTIFY A PATIENT WHO VISITS THE LICENSEE'S REGULAR PLACE OF BUSINESS,
16 IN WRITING, IF:

17 (1) THE LICENSEE DOES NOT ~~MAINTAIN~~ HAVE MEDICAL
18 PROFESSIONAL LIABILITY INSURANCE COVERAGE; OR

19 (2) THE LICENSEE HAS BEEN NOTIFIED BY THE LICENSEE'S
20 MEDICAL PROFESSIONAL LIABILITY INSURANCE CARRIER OR PROVIDER THAT
21 THE LICENSEE'S MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE
22 HAS LAPSED FOR ANY PERIOD OF TIME OR THE LICENSEE'S COVERAGE HAS NOT
23 BEEN RENEWED.

24 ~~(B)~~ (C) THE WRITTEN NOTIFICATION REQUIRED UNDER SUBSECTION
25 ~~(A)~~ (B) OF THIS SECTION MUST BE:

26 (1) (i) PROVIDED AT THE PATIENT'S FIRST VISIT TO THE
27 LICENSEE'S REGULAR PLACE OF BUSINESS IF THE LICENSEE DOES NOT
28 ~~MAINTAIN~~ HAVE MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE; OR

29 (ii) PROVIDED AT THE PATIENT'S FIRST VISIT TO THE
30 LICENSEE'S REGULAR PLACE OF BUSINESS FOLLOWING THE LICENSEE'S
31 RECEIPT OF NOTIFICATION OF THE LAPSE OR NONRENEWAL OF THE LICENSEE'S
32 MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE;

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

3 **(3) RETAINED BY THE LICENSEE AS PART OF THE ~~LICENSEE'S~~**
4 **~~PATIENT RECORDS~~ PATIENT'S MEDICAL RECORDS.**

5 **~~(C)~~ (D) EACH LICENSEE PRACTICING MEDICINE IN THE STATE WHO**
6 **DOES NOT ~~MAINTAIN~~ HAVE MEDICAL PROFESSIONAL LIABILITY INSURANCE**
7 **COVERAGE MUST CONSPICUOUSLY POST SUCH INFORMATION IN THE**
8 **LICENSEE'S REGULAR PLACE OF ~~PRACTICE~~ BUSINESS.**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.