

HOUSE BILL 1140

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2lr2515
CF SB 749

By: **Delegates Pendergrass, Hammen, Hubbard, A. Kelly, Kipke, McDermott,
Nathan-Pulliam, and Pena-Melnyk**

Introduced and read first time: February 10, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Sharing of Information with Maryland Health Care Commission**

3 FOR the purpose of adding the Maryland Health Care Commission to the list of
4 entities to which the Health Services Cost Review Commission may disclose
5 certain physician information; requiring the State Board of Physicians to
6 disclose information contained in a record to the Maryland Health Care
7 Commission for a certain purpose; adding the Maryland Health Care
8 Commission to the list of entities that must adopt regulations for a certain
9 transfer of information in a record; altering the date by which the regulations
10 must be adopted; and generally relating to sharing information about
11 physicians with the Maryland Health Care Commission for the purpose of
12 identifying practice patterns and investigating quality or utilization of care in
13 certain regulated entities.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 19–218
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Health Occupations
21 Section 14–411(a) and (b)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Health Occupations
26 Section 14–411(d) and (e)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2009 Replacement Volume and 2011 Supplement)

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

Article – Health – General

19–218.

(a) The Commission shall require each facility to give the Commission information that:

(1) Concerns the total financial needs of the facility;

(2) Concerns its current and expected resources to meet its total financial needs;

(3) Includes the effect of any proposal made, under Subtitle 1 of this title, on comprehensive health planning; and

(4) Includes physician information sufficient to identify practice patterns of individual physicians across all facilities.

(b) The identities of individual physicians are confidential and are not discoverable or admissible in evidence in a civil or criminal proceeding, and may only be disclosed to the following:

(1) The utilization review committee of a Maryland hospital;

(2) The Medical and Chirurgical Faculty of the State of Maryland;

(3) The State Board of Physicians;

(4) The Office of Health Care Quality in the Department; [or]

(5) THE MARYLAND HEALTH CARE COMMISSION; OR

[(5)] (6) An investigatory body under the State or federal government.

Article – Health Occupations

14–411.

(a) In this section, “record” means the proceedings, records, or files of the Board.

1 (b) Except as otherwise expressly provided in this section and § 14–411.1 of
2 this subtitle, the Board or any of its investigatory bodies may not disclose any
3 information contained in a record.

4 (d) The Board shall disclose any information contained in a record to:

5 (1) A committee of a hospital, health maintenance organization, or
6 related institution if:

7 (i) The committee of a medical hospital staff concerned with
8 physician discipline or other committee of a hospital, health maintenance
9 organization, or related institution requests the information in writing;

10 (ii) The Board has issued an order as to a licensed physician on
11 whom the information is requested; and

12 (iii) The Board determines that the information requested is
13 necessary for an investigation or action of the committee as to a medical privilege of a
14 licensed physician; or

15 (2) The Secretary, the Office of Health Care Quality in the
16 Department, **THE MARYLAND HEALTH CARE COMMISSION**, or the Health Services
17 Cost Review Commission for the purpose of investigating quality of utilization of care
18 in any entity regulated by the Office of Health Care Quality or the Health Services
19 Cost Review Commission.

20 (e) On or before January 1, [2012] **2013**, the Board, the Secretary, **THE**
21 **MARYLAND HEALTH CARE COMMISSION**, and the Health Services Cost Review
22 Commission jointly shall adopt regulations for the efficient and secure transfer, under
23 subsection (d)(2) of this section, of any information in a record that may indicate that
24 an investigation of an entity regulated by the Office of Health Care Quality, **THE**
25 **MARYLAND HEALTH CARE COMMISSION**, or the Health Services Cost Review
26 Commission may be appropriate.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2012.