

## **Chapter 296**

### **(House Bill 1140)**

AN ACT concerning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 2, 2012.**