

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY  
HOUSE OF DELEGATES

Resolution 39-18

INTRODUCED BY: MedChi's Board of Physicians Task Force

SUBJECT: Peer Review Findings in a Board of Physicians Investigation

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1 Whereas, the Maryland Board of Physicians investigates complaints concerning Maryland  
2 physicians submitted by the public; and

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4 Whereas, once a complaint is received, the Maryland Board of Physicians staff conducts a  
5 preliminary investigation of the complaint, which includes sending a copy of the complaint to the  
6 respondent with a request for a response; and

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8 Whereas, the results of the preliminary investigation are then presented to the disciplinary panel,  
9 which may decide to close the case with no action, close the case with an advisory letter (informal,  
10 nonpublic action), or instruct board staff to conduct a full investigation; and

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12 Whereas, during the full investigation, the disciplinary panel may also refer the case for peer  
13 review (through its contracted peer review entity) to solicit additional expertise; cases involving  
14 standard of care require two peer reviews; and

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16 Whereas, the disciplinary panel of the Maryland Board of Physicians, on the affirmative vote of a  
17 majority of the quorum of the panel, may reprimand any licensed physician, place any licensed  
18 physician on probation, or suspend or revoke a license if a licensed physician violates any 1 of 43  
19 statutory disciplinary grounds, including failure to meet appropriate standards as determined by  
20 appropriate peer review for the delivery of quality medical and surgical care performed in an  
21 outpatient surgical facility, office, hospital, or any other location in this State<sup>i</sup>; and therefore be it

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23 Resolved, that MedChi support legislation that requires a Board of Physicians disciplinary panel to  
24 dismiss a complaint if one of two peer reviewers finds that the licensed physician did not violate  
25 the standard of care, unless two-thirds of the disciplinary panel votes to assign a third peer  
26 reviewer to the case.

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29 As adopted by the House of Delegates at its meeting on September 22, 2018.  
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**Exhibit 1**  
**State Board of Physicians – Complaint Investigation Process**

