

# MedChi

*The Maryland State Medical Society*

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TO: The Honorable Dereck E. Davis, Chair  
Members, House Economic Matters Committee  
The Honorable Kris Valderrama

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
J. Steven Wise

DATE: March 9, 2016

RE: **OPPOSE** – House Bill 1160 – *State Board of Physicians – Admissibility of Board Records – Workers' Compensation*

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The Maryland State Medical Society (MedChi), which represents more than 7,600 Maryland physicians and their patients, opposes House Bill 1160, which would make the proceedings, records, files, and orders of the State Board of Physicians (Board), its disciplinary panels, and any of its other investigatory bodies discoverable and admissible in evidence in: (1) the proceedings before the Workers' Compensation Commission (Commission); and (2) the appeals of Commission decisions to a circuit court.

The core mission of the Board is to assure quality health care in Maryland through the efficient licensure and effective discipline of health care providers. In pursuing this mission, the Board has authority to establish disciplinary panels as well as peer review panels to investigate possible violations of a physician's licensure status. The purpose of the Board is not to be a repository for information that attorneys can access for purposes unrelated to licensure.

House Bill 1160 seeks to make an unjustified special exception for proceedings before the Commission which does not currently exist in civil or criminal cases. Under current law, the proceedings, records, or files of the Board, a disciplinary panel or any of its other investigatory bodies are not discoverable and are not admissible in evidence in a civil or criminal case unless by the express stipulation and consent of all parties to a proceeding before the Board. Moreover, Section 14-411 of the Health Occupation Article clearly states that records of the Board are to be confidential. If passed, House Bill 1160 could easily diminish the effectiveness of the licensure and disciplinary processes which rely on practicing physicians who participate based on the knowledge that their opinions will be used for only that purpose and not for unrelated proceedings.

Therefore, for the reasons stated above, MedChi strongly urges an unfavorable report.

**For more information call:**

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