



The Maryland State Medical Society

2019 KEY LEGISLATIVE ISSUE

Support Changes to the Disciplinary Process for Physicians

PROBLEM: Several key problems face physicians when they are the subject of a complaint with the Maryland Board of Physicians. MedChi has developed legislation to address each one:

1. Currently, when the complaint involves determining whether a physician followed the standard of care, two peer reviewers are used to make findings. The law is not clear on what is to occur if they disagree, and one finds the standard was breached and the other does not.

Solution: Support legislation establishing that when two peer reviewers disagree on the standard of care in a disciplinary action, the case is dismissed unless a supermajority of the panel votes for a third review.

2. When a physician is disciplined by the Board, health insurers nearly automatically issue letters to that physician suspending or terminating their credentials with that insurer. With so few insurers in the State, this is tantamount to also terminating their practice. In serious cases, this is appropriate. However, in less serious cases, for example where the physician is placed on probation for a short period, the health insurer's sanction often outlasts the Board's probationary period.

Solution: Support legislation to prohibit insurance carriers and malpractice insurers from denying credentials or coverage based solely on the fact that the physician was placed on probation by the Board, if the Board's probation has ended.

3. When a physician is disciplined by the Board, even for minor offenses like a failure to keep adequate medical records on one patient, the sanction may be a public reprimand or a probationary period. However, this disciplinary action remains on the physician's public profile for up to 10 years. The State has legislated in recent years to make it easier for those convicted of criminal offenses to have those offenses expunged from their record, yet physicians with minor offenses carry those on their public record forever.

SOLUTION: Support legislation to require the Board to expunge records of public reprimands or probation 3 years after final disposition.

WHAT TO DO: Call/write/e-mail members of the Senate Education, Health and Environment Committee and the House Health & Government Operations Committee to ask them to support this legislation. Contact MedChi for legislative contact information at 1-800-492-1056.