

# MedChi

---

*The Maryland State Medical Society*

1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915

1.800.492.1056

www.medchi.org

TO: The Honorable Thomas M. Middleton, Chair  
Members, Senate Finance Committee  
The Honorable Katherine Klausmeier

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

DATE: February 16, 2016

RE: **OPPOSE** – Senate Bill 441 – *State Board of Physicians – Admissibility of Board Records – Workers' Compensation*

---

The Maryland State Medical Society (MedChi), which represents more than 7,600 Maryland physicians and their patients, opposes Senate Bill 441, 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.

Senate Bill 441 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, Senate Bill 441 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:**

Danna L. Kauffman

J. Steven Wise

Pam M. Kasemeyer

410-244-7000