

HOUSE BILL 1399

J3, J2

2lr3265

By: **Delegates Smigiel and Hammen**

Introduced and read first time: February 24, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals – Credentialing and Privileging Process – Telemedicine**

3 FOR the purpose of authorizing a hospital, in its credentialing and privileging process
4 for a physician who provides medical services to patients at the hospital only by
5 telemedicine from certain locations, to rely on certain credentialing and
6 privileging decisions under certain circumstances; defining a certain term; and
7 generally relating to hospital credentialing and privileging processes for
8 physicians providing services by telemedicine.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 19–319(e)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 19–319.

18 (e) (1) **(I)** In this subsection[, “uniform] **THE FOLLOWING WORDS**
19 **HAVE THE MEANINGS INDICATED.**

20 **(II) 1. “TELEMEDICINE” MEANS THE USE OF**
21 **INTERACTIVE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS OR**
22 **ELECTRONIC TECHNOLOGY BY A PHYSICIAN IN THE PRACTICE OF MEDICINE**
23 **OUTSIDE THE PHYSICAL PRESENCE OF THE PATIENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2. “TELEMEDICINE” DOES NOT INCLUDE:**

2 **A. AN AUDIO-ONLY TELEPHONE CONVERSATION**
3 **BETWEEN A PHYSICIAN AND A PATIENT;**

4 **B. AN ELECTRONIC MAIL MESSAGE BETWEEN A**
5 **PHYSICIAN AND A PATIENT; OR**

6 **C. A FACSIMILE TRANSMISSION BETWEEN A**
7 **PHYSICIAN AND A PATIENT.**

8 **(III) “UNIFORM standard credentialing form” means:**

9 **[(i)] 1.** The form designated by the Secretary through
10 regulation for credentialing physicians who seek to be employed by or have staff
11 privileges at a hospital; or

12 **[(ii)] 2.** The uniform credentialing form that the Insurance
13 Commissioner designates under § 15-112.1 of the Insurance Article.

14 (2) As a condition of licensure, each hospital shall:

15 (i) Establish a credentialing process for the physicians who are
16 employed by or who have staff privileges at the hospital; and

17 (ii) Use the uniform standard credentialing form as the initial
18 application of a physician seeking to be credentialed.

19 (3) Use of the uniform standard credentialing form does not preclude a
20 hospital from requiring supplemental or additional information as part of the
21 hospital’s credentialing process.

22 (4) The Secretary shall, by regulation and in consultation with
23 hospitals, physicians, interested community and advocacy groups, and representatives
24 of the Maryland Defense Bar and Plaintiffs’ Bar, establish minimum standards for a
25 credentialing process which shall include:

26 (i) A formal written appointment process documenting the
27 physician’s education, clinical expertise, licensure history, insurance history, medical
28 history, claims history, and professional experience.

29 (ii) A requirement that an initial appointment to staff not be
30 complete until the physician has successfully completed a probationary period.

1 (iii) A formal, written reappointment process to be conducted at
2 least every 2 years. The reappointment process shall document the physician's pattern
3 of performance by analyzing:

- 4 1. Claims filed against the physician;
- 5 2. Data dealing with utilization, quality, and risk;
- 6 3. Clinical skills;
- 7 4. Adherence to hospital bylaws, policies, and
8 procedures;
- 9 5. Compliance with continuing education requirements;
- 10 6. Mental and physical status; and
- 11 7. The results of the practitioner performance evaluation
12 process under subsection (i) of this section.

13 (5) If requested by the Department, a hospital shall provide
14 documentation that, prior to employing or granting privileges to a physician, the
15 hospital has complied with the requirements of this subsection and that, prior to
16 renewing employment or privileges, the hospital has complied with the requirements
17 of this subsection.

18 **(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS**
19 **SUBSECTION, IN ITS CREDENTIALING AND PRIVILEGING PROCESS FOR A**
20 **PHYSICIAN WHO PROVIDES MEDICAL SERVICES TO PATIENTS AT THE HOSPITAL**
21 **ONLY BY TELEMEDICINE FROM A DISTANT-SITE HOSPITAL OR DISTANT-SITE**
22 **TELEMEDICINE ENTITY, A HOSPITAL MAY RELY ON THE CREDENTIALING AND**
23 **PRIVILEGING DECISIONS MADE FOR THE PHYSICIAN BY THE DISTANT-SITE**
24 **HOSPITAL OR DISTANT-SITE TELEMEDICINE ENTITY, AS AUTHORIZED UNDER 42**
25 **C.F.R. PARTS 482 AND 485.**

26 **[(6)] (7)** If a hospital fails to establish or maintain a credentialing
27 process required under this subsection, the Secretary may impose the following
28 penalties:

- 29 (i) Delicensure of the hospital; or
- 30 (ii) \$500 per day for each day the violation continues.

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