

FOR the purpose of authorizing the Secretary of Health and Mental Hygiene to order certain laboratories to ~~retest patients and provide public notification to physicians, patients, and the general public in the event of testing errors~~ notify certain physicians or other individuals of certain test results and take certain measures to reduce or eliminate certain threats under certain circumstances; establishing a civil penalty for noncompliance; and generally relating to the regulation of medical laboratories.

BY repealing and reenacting, with amendments,

Article - Health - General

Section 17-210

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

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

Article - Health - General

17-210.

(a) The Secretary may deny a license to any applicant or suspend, revoke, or limit a license or the authority to offer or perform any class of service, complexity of testing, or tests that the license sets forth, if the medical laboratory or its director or other personnel fail to meet the standards and requirements under this subtitle and in regulations adopted pursuant to this subtitle.

(b) (1) If the Secretary finds that a laboratory issued a license under this subtitle no longer meets the standards and requirements under this subtitle and in regulations adopted pursuant to this subtitle, the Secretary may impose a directed plan of correction or limit the testing authorized by the license instead of suspending or revoking a license.

~~(2) (1) IF THE SECRETARY FINDS THAT A MEDICAL LABORATORY PROVIDED ERRONEOUS, INVALID, OR UNRELIABLE TEST RESULTS TO PHYSICIANS, PATIENTS, OR OTHER PERSONS, THE SECRETARY MAY ORDER THE MEDICAL LABORATORY TO RETEST PATIENTS OR TO NOTIFY PHYSICIANS, PATIENTS, ALL LOCAL HEALTH DEPARTMENTS, OR THE GENERAL PUBLIC OF THE NEED TO BE RETESTED INSTEAD OF OR IN ADDITION TO TAKING THE OTHER ACTIONS AUTHORIZED UNDER THIS SECTION.~~

(2) (1) IF THE SECRETARY FINDS THAT A MEDICAL LABORATORY PROVIDED ERRONEOUS OR QUESTIONABLE TEST RESULTS THAT POSE A THREAT TO THE HEALTH AND SAFETY OF PATIENTS, THE SECRETARY MAY ORDER THE LABORATORY TO:

1. NOTIFY THE PHYSICIANS OR OTHER INDIVIDUALS WHO ORDERED THE TESTS OF THE ERRONEOUS OR QUESTIONABLE TEST RESULTS, AND