

accreditation by the Joint Commission on Accreditation of [Hospitals] HEALTH CARE ORGANIZATIONS within 1 year after beginning operation or has had its application for accreditation rejected, the Department shall inspect the hospital for compliance with the standards adopted under this subtitle.

[(4)](5) At least 2 inspections a year of each related institution shall be unannounced.

[(5)](6) The part of a building that contains part of a hospital or related institution and any outbuilding are considered part of the facility and are subject to inspection to determine occupancy status for licensing purposes.

[(6)](7) Subject to § 2-1312 of the State Government Article, during each regular session of the General Assembly, the Department shall submit to the General Assembly a report on the inspections.

[(7)](8) (i) An employee of the Department may not inform a hospital or related institution of any proposed inspection activity, unless the chief of the employee's division directs the employee to do so.

(ii) An employee who violates any provision of this paragraph is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(c) (1) An accredited hospital shall [make] SUBMIT the survey findings of the Joint Commission on Accreditation of [Hospitals available for inspection by] HEALTH CARE ORGANIZATIONS WITHIN 30 DAYS OF RECEIPT BY THE HOSPITAL TO the Department [at the hospital].

~~(2) A HOSPITAL MAY SUBMIT A FORMAL RESPONSE TO THE SURVEY FINDINGS OF THE JOINT COMMISSION ON ACCREDITATION OF HEALTH CARE ORGANIZATIONS AND THE SECRETARY SHALL MAKE THIS INFORMATION AVAILABLE ON A REQUEST FOR PUBLIC DISCLOSURE OF THE SURVEY FINDINGS.~~

(2) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, AN ACCREDITED HOSPITAL'S OFFICIAL ACCREDITATION REPORT AND ANY SUMMARY OF THE REPORT, WRITTEN PROGRESS REPORTS, OR PLANS OF CORRECTION WHICH ARE SUBMITTED TO THE SECRETARY ARE CONFIDENTIAL AND ARE NOT DISCOVERABLE OR ADMISSIBLE AS EVIDENCE IN ANY CIVIL ACTION.

(3) THE SECRETARY SHALL REFER ANY REQUEST FOR PUBLIC INSPECTION OF A SURVEY REPORT MADE BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTH CARE ORGANIZATIONS FOR AN ACCREDITED HOSPITAL DIRECTLY TO THE HOSPITAL.

(4) UPON THE WRITTEN REQUEST OF ANY PERSON, WITHIN 15 WORKING DAYS, THE ACCREDITED HOSPITAL SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION THE MOST RECENT ACCREDITATION LETTER AND ANY TYPE 4 / RECOMMENDATIONS IF THE JOINT COMMISSION ON ACCREDITATION OF HEALTH CARE ORGANIZATIONS HAS MADE A FINAL DECISION ON ANY APPEAL BY THE HOSPITAL OF THE TYPE 4 / RECOMMENDATIONS.