

(5) IF INFORMATION IS RELEASED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION, THAT INFORMATION IS NO LONGER CONFIDENTIAL, BUT IS NOT DISCOVERABLE OR ADMISSIBLE IN ANY CIVIL ACTION:

(6) A HOSPITAL ACCREDITATION REPORT, INCLUDING ANY SUMMARY OF THE REPORT AND ANY INFORMATION CONTAINED IN THE REPORT, DISCLOSED BY A HOSPITAL, THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS, OR THE DEPARTMENT IS NOT ADMISSIBLE OR DISCOVERABLE IN ANY CIVIL ACTION.

(7) IF AN ACCREDITED HOSPITAL WILLFULLY FAILS TO COMPLY WITH THE PROVISIONS OF THIS SUBSECTION, THE SECRETARY MAY IMPOSE A PENALTY NOT TO EXCEED \$1,000 A DAY FOR EACH DAY THE VIOLATION CONTINUES.

(d) A domiciliary care home that provides domiciliary care to 2, 3, or 4 unrelated individuals is not subject to the provisions of this section.

§19-309.

(a) Notwithstanding any other provisions of this subtitle, each hospital shall be open to inspections by the Department to investigate and resolve any complaint concerning patient care, safety, medical and nursing supervision, physical environment, sanitation or dietary matters.

(b) (1) To resolve expeditiously a complaint that alleges the existence of any nonlife-threatening deficiency, the Department shall MAY refer the complaint directly to the hospital.

(2) If appropriate, issues relating to the practice of medicine or the licensure or conduct of a health professional shall be referred to the hospital and may be referred to the appropriate licensure board for resolution.

(3) If the Department determines that the hospital has not satisfactorily addressed the referred complaint or where the complaint alleges the existence of a life-threatening deficiency, the Department shall conduct an independent investigation. When conducting its independent investigation, the Department shall use:

(i) For an accredited hospital, the standards of review of the Joint Commission on Accreditation of Hospitals;

(ii) For a nonaccredited hospital, the standards adopted by the Secretary under this subtitle; and

(iii) For an accredited or nonaccredited hospital that is a facility as defined under § 19-319.2 of this subtitle, the requirements of §§ 10-701 through 10-709 of this article. †

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

Approved May 2, 1994.