

WHEREAS, Hospitals are given the right to determine staff privileges and the denial of privileges can exclude a physician, *nurse anesthetist, nurse midwife, and social worker* from the ability to practice in his or her community; ~~and~~

WHEREAS, Recent court decisions indicate that the provisions of Article 49B of the Code forbidding discrimination in employment do not apply to issues of hospital staff privileges because the physician is not an "employee" of the hospital; and

WHEREAS, Maryland law provides protection from such discrimination by insurance carriers in the selection of provider panels in § 5-112 of the Insurance Article, but provides no similar protection with respect to hospitals and other credentialing organizations; now, therefore,

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

~~Article Health Occupations~~

~~14-509-~~

~~(A) THERE IS A TASK FORCE ON DISCRIMINATION BY HEALTH CARE CREDENTIALING ORGANIZATIONS.~~

~~(B) THE TASK FORCE CONSISTS OF THE FOLLOWING 13 MEMBERS:~~

~~(1) TWO MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE, ONE OF WHOM SHALL SERVE AS CO-CHAIR OF THE TASK FORCE;~~

~~(2) TWO MEMBERS OF THE HOUSE, APPOINTED BY THE SPEAKER OF THE HOUSE, ONE OF WHOM SHALL SERVE AS CO-CHAIR OF THE TASK FORCE;~~

~~(3) THREE MEMBERS OF THE PUBLIC APPOINTED BY THE GOVERNOR;~~

~~(4) ONE MEMBER FROM A LIST SUBMITTED BY THE MARYLAND HOSPITAL ASSOCIATION APPOINTED BY THE GOVERNOR;~~

~~(5) TWO REPRESENTATIVES OF THE BOARD OF PHYSICIAN QUALITY ASSURANCE APPOINTED BY THE GOVERNOR;~~

~~(6) TWO MEMBERS FROM A LIST SUBMITTED BY THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND APPOINTED BY THE GOVERNOR; AND~~

~~(7) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE APPOINTED BY THE GOVERNOR.~~

~~(C) THE TASK FORCE SHALL:~~

~~(1) STUDY THE EXCLUSION OF WOMEN, PEOPLE OF COLOR, AND OTHER MINORITIES BY CREDENTIALING ORGANIZATIONS INCLUDING HOSPITALS;~~

~~(2) CONDUCT HEARINGS AS CONSIDERED APPROPRIATE; AND~~

~~(3) REVIEW FEDERAL AND STATE LAW TO ENSURE THAT THERE IS ADEQUATE OPPORTUNITY FOR REDRESS FOR PHYSICIANS COMPLAINING ABOUT EXCLUSION BY HOSPITALS AND CREDENTIALING ORGANIZATIONS.~~