

(4) (i) [If the Board determines that an agreement for corrective action is warranted and patient safety is not an issue, the Board shall notify the licensee of the identified deficiencies and enter into an agreement for corrective action, which may not be made public and which shall not be considered a disciplinary action for purposes of this subtitle.] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF AN ALLEGATION IS BASED ON § 14-404(40) OF THIS SUBTITLE, THE BOARD:

1. MAY DETERMINE THAT AN AGREEMENT FOR CORRECTIVE ACTION IS WARRANTED; AND

2. SHALL NOTIFY THE LICENSEE OF THE IDENTIFIED DEFICIENCIES AND ENTER INTO AN AGREEMENT FOR CORRECTIVE ACTION WITH THE LICENSEE AS PROVIDED IN THIS PARAGRAPH.

(II) THE BOARD MAY NOT ENTER INTO AN AGREEMENT FOR CORRECTIVE ACTION WITH A LICENSEE IF PATIENT SAFETY IS AN ISSUE.

[(ii)](III) The Board shall subsequently evaluate the licensee and shall:

1. Terminate the corrective action if the Board is satisfied that the licensee is in compliance with the agreement for corrective action and has corrected the deficiencies; or

2. Pursue disciplinary action under § 14-404 of this subtitle if the deficiencies persist or the licensee has failed to comply with the agreement for corrective action.

(IV) AN AGREEMENT FOR CORRECTIVE ACTION UNDER THIS PARAGRAPH MAY NOT BE MADE PUBLIC OR CONSIDERED A DISCIPLINARY ACTION UNDER THIS TITLE.

[(iii)] (V) The Board shall provide a summary of the corrective action agreements in the executive director's report of Board activities.

(d) [(1)] ~~The Faculty, all committees of the Faculty, except the physician rehabilitation committee,~~ THE ENTITY OR ENTITIES WITH WHICH THE BOARD CONTRACTS UNDER SUBSECTION (E) OF THIS SECTION, ALL COMMITTEES OF THE ENTITY OR ENTITIES, EXCEPT FOR THE PHYSICIAN REHABILITATION COMMITTEE, and all county medical societies shall refer to the Board all complaints that set forth allegations of grounds for disciplinary action under § 14-404 of this subtitle.

[(2) If the Faculty determines that 3 or more malpractice claims have been filed against an individual licensed physician under § 3-2A-04(a) of the Courts and Judicial Proceedings Article within a 5-year period, the Faculty shall submit the name of the individual licensed physician to the Board and, subject to the approval of the Board, shall refer the claims to the Faculty's appropriate committee for investigation and report to the Board as if the Board had referred the claims to the committee of the Faculty.