

(4) Apply to any court for legal or equitable relief considered appropriate by the Commissioner or the Department, in accordance with the joint internal procedures.

### **Article — Health Occupations**

~~14-401.~~

~~(a) The Board shall perform any necessary preliminary investigation before the Board refers to an investigatory body an allegation of grounds for disciplinary or other action brought to its attention.~~

~~(e) (5) (1) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AFTER PERFORMING ANY NECESSARY PRELIMINARY INVESTIGATION OF AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER ACTION, THE BOARD SHALL REFER ANY ALLEGATION BASED ON § 14-404(A)(41) OF THIS SUBTITLE TO A COMMITTEE THAT INCLUDES PHYSICIANS WHO ARE RESPONSIBLE FOR ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES FOR A HEALTH CARE DELIVERY SYSTEM AND, IF APPROPRIATE, ACTIVELY PRACTICE OR HAVE DEMONSTRATED EXPERTISE IN THE SPECIALITY INVOLVED IN THE CARE UNDER REVIEW.~~

~~(II) A PHYSICIAN MAY NOT BE DISCIPLINED BY THE BOARD UNDER § 14-404(A)(41) OF THIS SUBTITLE FOR THE INDEPENDENT JUDGMENT ERROR OF A HEALTH CARE PROVIDER WHO IS PROVIDING DIRECT PATIENT CARE IN CONTRADICTION TO ESTABLISHED PROTOCOLS OR PROCEDURES FOR A SYSTEM OF DELIVERY OF QUALITY MEDICAL CARE.~~

~~14-404.~~

~~(a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:~~

~~(39) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings; [or]~~

~~(40) Fails to keep adequate medical records as determined by appropriate peer review; OR~~

~~(41) IS A PHYSICIAN WHO IS RESPONSIBLE FOR ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES FOR A HEALTH CARE DELIVERY SYSTEM AND IS COMPENSATED FOR THAT RESPONSIBILITY AND THE PROTOCOLS OR PROCEDURES FAIL TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY MEDICAL CARE AS DETERMINED BY APPROPRIATE PEER REVIEW.~~