

HOUSE BILL 671

D3, P4, J2

0lr1984
CF 0lr2379

By: **Delegate Beitzel**

Introduced and read first time: February 4, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Maryland Tort Claims Act – Garrett County Physicians**

3 FOR the purpose of including certain Garrett County physicians as State personnel
4 under the Maryland Tort Claims Act under certain circumstances; providing for
5 the termination of this Act; and generally relating to including certain services
6 of certain Garrett County physicians under the Maryland Tort Claims Act.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 12–101(a)
10 Annotated Code of Maryland
11 (2009 Replacement Volume)

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

14 **Article – State Government**

15 12–101.

16 (a) In this subtitle, unless the context clearly requires otherwise, “State
17 personnel” means:

18 (1) a State employee or official who is paid in whole or in part by the
19 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

20 (2) an employee or official of the:

21 (i) Maryland Transportation Authority;

22 (ii) Injured Workers’ Insurance Fund;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) Maryland Stadium Authority;
- 2 (iv) Maryland Environmental Service;
- 3 (v) overseas programs of the University College of the
4 University System of Maryland;
- 5 (vi) Maryland Economic Development Corporation;
- 6 (vii) Maryland Technology Development Corporation;
- 7 (viii) Maryland African American Museum Corporation;
- 8 (ix) Maryland Automobile Insurance Fund;
- 9 (x) Maryland Health and Higher Educational Facilities
10 Authority;
- 11 (xi) Maryland Agricultural and Resource-Based Industry
12 Development Corporation;
- 13 (xii) Somers Cove Marina Commission; and
- 14 (xiii) Maryland Workforce Corporation;
- 15 (3) a person who:
- 16 (i) is a member of a State board, commission, or similar State
17 entity; or
- 18 (ii) 1. is providing a service to or for the State;
- 19 2. is not paid in whole or in part by the State; and
- 20 3. satisfies all other requirements for designation as
21 State personnel as may be set forth in regulations adopted by the Treasurer pursuant
22 to Title 10 of this article;
- 23 (4) an individual who, without compensation, exercises a part of the
24 sovereignty of the State;
- 25 (5) a student enrolled in a State educational institution:
- 26 (i) who is providing services to third parties in the course of
27 participation in an approved clinical training or academic program;

1 (ii) who, as determined by the Treasurer, is required to have
2 liability insurance covering claims arising from services to third parties performed by
3 the student in the course of the approved clinical training or academic program;

4 (iii) who, as determined by the Treasurer, cannot obtain
5 commercial liability insurance at an affordable cost; and

6 (iv) who, as determined by the Treasurer, may be required to
7 contribute to an insurance program for claims arising from services to third parties
8 performed by the student in the course of the approved clinical training or academic
9 program;

10 (6) a sheriff or deputy sheriff of a county or Baltimore City;

11 (7) an employee of a county who is assigned to a local department of
12 social services, including a Montgomery County employee who carries out State
13 programs administered under Title 3, Subtitle 4 of the Human Services Article;

14 (8) a State's Attorney of a county or Baltimore City, or an employee of
15 an office of a State's Attorney;

16 (9) a member of a board of license commissioners of a county or
17 Baltimore City appointed under the provisions of Article 2B of the Code, or an
18 employee of a board of license commissioners;

19 (10) a member of a local board of elections, or an employee of a local
20 board of elections;

21 (11) a judge of a circuit court of a county or Baltimore City, or an
22 employee of a circuit court;

23 (12) a judge of an orphans' court of a county or Baltimore City, or an
24 employee of an orphans' court;

25 (13) to the extent of a nonprofit organization's activities as a third party
26 payee, and to the extent the nonprofit organization has no other insurance for this
27 purpose, a nonprofit organization that has been approved by the Department of
28 Human Resources or its designee to serve as a third party payee for purposes of
29 providing temporary cash assistance, transitional assistance, or child-specific benefits
30 to Family Investment Program recipients; [or]

31 (14) a student, faculty, or staff member of an institution of higher
32 education who is providing a service under the Family Investment Program in
33 accordance with § 5-305, § 5-306, or § 5-317 of the Human Services Article; OR

34 **(15) A PHYSICIAN WHO IS LICENSED TO PRACTICE MEDICINE IN**
35 **THE STATE AND PRACTICES MEDICINE PRIMARILY IN GARRETT COUNTY:**

1 **(I) TO THE EXTENT THAT THE SECRETARY OF HEALTH AND**
2 **MENTAL HYGIENE HAS DETERMINED THAT GARRETT COUNTY IS A MEDICALLY**
3 **UNDERSERVED AREA; AND**

4 **(II) FOR PRENATAL OR OBSTETRICAL SERVICES THE**
5 **PHYSICIAN IS PROVIDING TO AN INDIVIDUAL WHO IS:**

6 **1. A RESIDENT OF THE STATE; AND**

7 **2. A MARYLAND MEDICAL ASSISTANCE PROGRAM**
8 **RECIPIENT.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2010. It shall remain effective for a period of 5 years and, at the end of
11 September 30, 2015, with no further action required by the General Assembly, this Act
12 shall be abrogated and of no further force and effect.