

SENATE BILL 441

K1, J2

6lr2448

By: **Senator Klausmeier**

Introduced and read first time: February 1, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Admissibility of Board Records – Workers’**
3 **Compensation Commission**

4 FOR the purpose of providing that a certain provision of law relating to the admissibility
5 of State Board of Physicians proceedings, records, files, and orders in civil and
6 criminal actions does not apply to any proceeding before the Workers’ Compensation
7 Commission or any proceeding related to an appeal of a decision of the Commission
8 to a circuit court; and generally relating to the admissibility of State Board of
9 Physicians records.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 14–410
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2015 Supplement)

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

17 **Article – Health Occupations**

18 14–410.

19 (a) Except by the express stipulation and consent of all parties to a proceeding
20 before the Board, a disciplinary panel, or any of its other investigatory bodies, in a civil or
21 criminal action:

22 (1) The proceedings, records, or files of the Board, a disciplinary panel, or
23 any of its other investigatory bodies are not discoverable and are not admissible in evidence;
24 and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Any order passed by the Board or disciplinary panel is not admissible
2 in evidence.

3 (b) **(1)** This section does not apply to a civil action brought by a party to a
4 proceeding before the Board or a disciplinary panel who claims to be aggrieved by the
5 decision of the Board or the disciplinary panel.

6 **(2) THIS SECTION DOES NOT APPLY TO ANY PROCEEDING BEFORE**
7 **THE WORKERS' COMPENSATION COMMISSION OR ANY PROCEEDING RELATED TO**
8 **AN APPEAL OF A DECISION OF THE WORKERS' COMPENSATION COMMISSION TO A**
9 **CIRCUIT COURT.**

10 (c) If any medical or hospital record or any other exhibit is subpoenaed and
11 otherwise is admissible in evidence, the use of that record or exhibit in a proceeding before
12 the Board, a disciplinary panel, or any of its other investigatory bodies does not prevent its
13 production in any other proceeding.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2016.