

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY  
HOUSE OF DELEGATES

Resolution:

INTRODUCED BY: Montgomery County Medical Society

SUBJECT: Payor Liability for Medical Decision  
Causing Patient Death or Injury

1 Whereas, physicians attend medical school and complete several years of residency and fellowship  
2 before they are allowed to practice in their chosen specialty; and  
3

4 Whereas, physicians are licensed by the Maryland Board of Physicians to practice medicine in Maryland  
5 and health plans are not; and  
6

7 Whereas, physicians who care for patients understand their medical issues and needs and have the  
8 expertise to know what treatments are in the best interest of the health care of their patients, and  
9

10 Whereas, third party payors are denying and delaying the physician-ordered care to manage “costs” not  
11 care; and  
12

13 Whereas, these decisions made by third party payors may cause death or injury to the patient because  
14 they insisted on use of a substandard treatment which the physician did not recommend and the  
15 physician knew was not in the patients’ best interests; therefore, be it  
16

17 RESOLVED, that MedChi seek and/or support legislation and/or regulation which will hold third-party  
18 payors liable for medical malpractice if their decisions to not authorize care recommended by the physician  
19 causes death or injury to a patient.