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By: **Delegates Conway, Bozman, McClenahan, and Cane**

Introduced and read first time: February 18, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Infectious Disease Notification - Disclosure of Name of Contagious**  
3 **Deceased Person**

4 FOR the purpose of requiring the physician performing the postmortem medical  
5 examination on a deceased person with a contagious disease to provide in a  
6 confidential manner the name of the deceased to the exposed emergency  
7 responder and the emergency responder's supervisor.

8 BY repealing and reenacting, with amendments,  
9 Article - Health - General  
10 Section 18-213.2  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1999 Supplement)

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

15 **Article - Health - General**

16 18-213.2.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) (i) "Body fluids" means:

19 1. Any fluid containing visible blood, semen, or vaginal  
20 secretions; or

21 2. Cerebral spinal fluid, synovial, or amniotic fluid.

22 (ii) "Body fluids" does not include saliva, stool, nasal secretions,  
23 sputum, tears, urine, or vomitus.

24 (3) "Contagious disease or virus" means:

25 (i) Human immunodeficiency virus (HIV);

- 1 (ii) Meningococcal meningitis;
- 2 (iii) Tuberculosis;
- 3 (iv) Mononucleosis;
- 4 (v) Any form of viral hepatitis, including but not limited to  
5 hepatitis A, B, C, D, E, F, and G;
- 6 (vi) Diphtheria;
- 7 (vii) Plague;
- 8 (viii) Hemorrhagic fevers; or
- 9 (ix) Rabies.
- 10 (4) "Contact exposure" means as between a decedent and a first  
11 responder:
- 12 (i) Percutaneous contact with blood or body fluids;
- 13 (ii) Mucocutaneous contact with blood or body fluids;
- 14 (iii) Open wound, including dermatitis, exudative lesions, or  
15 chapped skin, contact with blood or body fluids for a prolonged period; or
- 16 (iv) Intact skin contact with large amounts of blood or body fluids  
17 for a prolonged period.
- 18 (5) "Correctional institution" means a place of detention or correctional  
19 confinement operated by or for the State or a local government.
- 20 (6) (i) "Correctional officer" means a member of a correctional unit  
21 who is charged with and actually performs those duties that relate to the  
22 investigation, care, custody, control, or supervision of individuals confined to places of  
23 incarceration.
- 24 (ii) "Correctional officer" includes any sheriff, warden,  
25 superintendent, or other individual having the equivalent title.
- 26 (7) "First responder" means a:
- 27 (i) Fire fighter;
- 28 (ii) Emergency medical technician;
- 29 (iii) Rescue squad member;
- 30 (iv) Law enforcement officer;

1 (v) Correctional officer; or

2 (vi) Sworn member of the State Fire Marshal's office.

3 (8) "Law enforcement officer" means any individual who, in an official  
4 capacity, is authorized by law to make arrests and who is a member of one of the  
5 following law enforcement agencies:

6 (i) The Department of State Police;

7 (ii) The Baltimore City Police Department;

8 (iii) The police department, bureau, or force of any county;

9 (iv) The police department, bureau, or force of any incorporated city  
10 or town;

11 (v) The office of the sheriff of any county;

12 (vi) The police department, bureau, or force of any bicounty agency  
13 or constituent institution of the University System of Maryland, Morgan State  
14 University, St. Mary's College, or of any institution under the jurisdiction of the  
15 Maryland Higher Education Commission;

16 (vii) The Maryland Aviation Administration police force of the  
17 Department of Transportation, the Mass Transit Administration police force of the  
18 Department of Transportation, the Maryland Transportation Authority police force,  
19 and the Maryland Port Administration police force of the Department of  
20 Transportation;

21 (viii) The law enforcement officers of the Department of Natural  
22 Resources;

23 (ix) The Investigative Services Unit of the Comptroller's Office; or

24 (x) The Internal Investigative Unit of the Department of Public  
25 Safety and Correctional Services.

26 (9) "Medical care facility" means a hospital, or a health care facility of a  
27 correctional institution.

28 (10) "Physician performing a postmortem examination" means any of the  
29 following persons who perform a postmortem examination on a decedent:

30 (i) The Chief Medical Examiner; or

31 (ii) The Chief Medical Examiner's designee.

32 (b) If, while transporting a person to a medical care facility or while acting in  
33 the performance of duty, a first responder comes into contact exposure while treating  
34 or transporting a person who dies at the scene or while being transported and who is

1 subsequently determined, as a result of information obtained in conjunction with a  
2 postmortem examination by the Chief Medical Examiner or a designee of the Chief  
3 Medical Examiner to have had a contagious disease or virus at the time of death, the  
4 physician performing the postmortem examination shall notify the first responder  
5 and the first responder's employer or the employer's designee of the first responder's  
6 possible contact exposure to the contagious disease or virus.

7 (c) The notification required under subsection (b) of this section shall:

8 (1) Be made within 48 hours of confirmation of the determination that  
9 the deceased person had a contagious disease or virus at the time of death;

10 (2) Include subsequent written confirmation of possible contact exposure  
11 to the contagious disease or virus;

12 (3) [Be conducted in a manner that will] INCLUDE THE NAME OF THE  
13 DECEASED PERSON CARRYING THE CONTAGIOUS DISEASE OR VIRUS, WITH THE  
14 CONDITION THAT THE NAME BE KEPT CONFIDENTIAL BETWEEN THE EMPLOYER OR  
15 THE EMPLOYER'S DESIGNEE AND THE EXPOSED FIRST RESPONDER TO protect the  
16 confidentiality of the deceased person; and

17 (4) To the extent possible, be conducted in a manner that will protect the  
18 confidentiality of the first responder.

19 (d) The written confirmation required under subsection (c)(2) of this section  
20 shall constitute compliance with this section.

21 (e) A medical care facility or physician performing a postmortem examination  
22 acting in good faith to provide notification in accordance with this section is not liable  
23 in any cause of action related to a breach of patient confidentiality.

24 (f) A medical care facility or physician performing a postmortem examination  
25 acting in good faith to provide notification in accordance with this section is not liable  
26 in any cause of action for:

27 (1) The failure to give the required notice if the first responder fails to  
28 properly initiate the notification procedures developed by the medical care facility  
29 and the Chief Medical Examiner under subsection (g) of this section; or

30 (2) The failure of the employer or the employer's designee to  
31 subsequently notify the first responder of the possible contact exposure to a  
32 contagious disease or virus.

33 (g) (1) The State Fire Marshal, the Chief Medical Examiner, and each fire  
34 department, rescue squad company, medical care facility, correctional institution, and  
35 law enforcement agency in the State shall develop written procedures for the  
36 implementation of this section.

37 (2) On request, the State Fire Marshal and each fire department, rescue  
38 squad company, medical care facility, correctional institution, and law enforcement

1 agency shall make copies of the procedures developed in this subtitle available to  
2 employees, employee unions, volunteer associations, and the Secretary.

3 (h) A person covered under subsection (a)(5), (6), (7), (8), (9), and (10) of this  
4 section may not refuse to treat or transport a deceased person because the deceased  
5 person was HIV positive at the time of death.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2000.