
By: **Senators Hollinger, Hoffman, Forehand, Lawlah, Conway, Kelley, and Ruben**

Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Maternal Mortality Review Program

FOR the purpose of establishing a Maternal Mortality Review Program to review certain maternal deaths and develop certain strategies for the prevention of certain maternal deaths; authorizing the Secretary of Health and Mental Hygiene to contract and consult with the Medical and Chirurgical Faculty; authorizing the Secretary to provide certain vital records regarding certain maternal deaths; requiring certain health care providers and facilities to report certain maternal deaths to the Maternal Mortality Review Program; requiring that certain records be kept confidential; requiring the Secretary to make certain reports to the Governor and the General Assembly; defining certain terms; declaring the findings of the General Assembly; and generally relating to the Maternal Mortality Review Program.

BY adding to

Article - Health - General
Section 13-1001 through 13-1007, inclusive, to be under the new subtitle
"Subtitle 10. Maternal Mortality Review Program"
Annotated Code of Maryland
(1994 Replacement Volume and 1999 Supplement)

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

Article - Health - General

SUBTITLE 10. MATERNAL MORTALITY REVIEW PROGRAM.

13-1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "MATERNAL DEATH" MEANS THE DEATH OF A WOMAN DURING PREGNANCY OR WITHIN 1 YEAR AFTER THE WOMAN CEASES TO BE PREGNANT.

(C) "FACULTY" MEANS THE MEDICAL AND CHIRURGICAL FACULTY IN THE STATE.

(D) "MATERNAL CHILD HEALTH COMMITTEE" MEANS THE MATERNAL CHILD HEALTH COMMITTEE OF THE FACULTY THAT IS A MEDICAL REVIEW COMMITTEE, AS DEFINED UNDER § 14-501 OF THE HEALTH OCCUPATIONS ARTICLE.

13-1002.

THE GENERAL ASSEMBLY FINDS THAT:

(1) MATERNAL DEATHS ARE A SERIOUS PUBLIC HEALTH CONCERN AND HAVE A TREMENDOUS FAMILY AND SOCIETAL IMPACT;

(2) MATERNAL DEATHS ARE SIGNIFICANTLY UNDERESTIMATED AND INADEQUATELY DOCUMENTED, PREVENTING EFFORTS TO IDENTIFY AND REDUCE OR ELIMINATE THE CAUSES OF DEATH;

(3) NO PROCESSES EXIST IN THE STATE FOR THE CONFIDENTIAL IDENTIFICATION, INVESTIGATION, OR DISSEMINATION OF FINDINGS REGARDING MATERNAL DEATHS; AND

(4) THERE IS A NEED TO ESTABLISH A MATERNAL MORTALITY REVIEW PROGRAM TO REVIEW MATERNAL DEATHS AND TO DEVELOP STRATEGIES FOR THE PREVENTION OF MATERNAL DEATHS.

13-1003.

THE SECRETARY SHALL ESTABLISH A MATERNAL MORTALITY REVIEW PROGRAM TO REVIEW MATERNAL DEATHS AND TO DEVELOP STRATEGIES FOR THE PREVENTION OF MATERNAL DEATHS.

13-1004.

(A) THE SECRETARY MAY CONTRACT WITH THE FACULTY TO ADMINISTER THE MATERNAL MORTALITY REVIEW PROGRAM.

(B) IN CONSULTATION WITH THE MATERNAL CHILD HEALTH COMMITTEE OF A FACULTY, THE SECRETARY SHALL DEVELOP A SYSTEM TO:

(1) IDENTIFY MATERNAL DEATH CASES;

(2) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA;

(3) CONTACT FAMILY MEMBERS AND OTHER AFFECTED OR INVOLVED PERSONS TO COLLECT ADDITIONAL RELEVANT DATA;

(4) CONSULT WITH RELEVANT EXPERTS TO EVALUATE THE RECORDS AND DATA COLLECTED;

(5) MAKE DETERMINATIONS REGARDING THE PREVENTABILITY OF MATERNAL DEATHS;

(6) DEVELOP RECOMMENDATIONS FOR THE PREVENTION OF MATERNAL DEATHS; AND

(7) DISSEMINATE FINDINGS AND RECOMMENDATIONS TO POLICY MAKERS, HEALTH CARE PROVIDERS, HEALTH CARE FACILITIES, AND THE GENERAL PUBLIC.

(C) IN ACCORDANCE WITH § 4-221 OF THIS ARTICLE AND NOTWITHSTANDING § 4-224 OF THIS ARTICLE, THE SECRETARY MAY PROVIDE THE PROGRAM WITH A COPY OF THE DEATH CERTIFICATE OF ANY WOMAN WHOSE DEATH IS SUSPECTED TO HAVE BEEN A MATERNAL DEATH.

13-1005.

(A) A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY, AS DEFINED UNDER TITLE 19, SUBTITLES 3, 3A, AND 3B OF THIS ARTICLE, SHALL PROVIDE THE MATERNAL MORTALITY REVIEW PROGRAM ACCESS TO ALL MEDICAL RECORDS ASSOCIATED WITH A CASE UNDER REVIEW BY THE MATERNAL MORTALITY REVIEW PROGRAM.

(B) THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THIS ARTICLE DO NOT APPLY TO A DISCLOSURE MADE TO THE PROGRAM UNDER THIS SUBTITLE.

13-1006.

(A) NOTWITHSTANDING THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THIS ARTICLE, IF A PATIENT OF A HEALTH CARE PROVIDER OR A HEALTH CARE FACILITY DIES OF A MATERNAL DEATH AND THE HEALTH CARE PROVIDER OR THE HEALTH CARE FACILITY HAS KNOWLEDGE OF THE CIRCUMSTANCES OF THE DEATH, THE HEALTH CARE PROVIDER OR THE HEALTH CARE FACILITY SHALL REPORT THE DEATH TO THE MATERNAL MORTALITY REVIEW PROGRAM.

(B) ANY HEALTH CARE PROVIDER AND HEALTH CARE FACILITY REPORT REQUIRED UNDER THIS SECTION SHALL BE:

(1) CONFIDENTIAL;

(2) NOT OPEN TO PUBLIC INSPECTION; AND

(3) EXCEPT UNDER A COURT ORDER SEALING THE COURT RECORD, NOT SUBJECT TO SUBPOENA OR DISCOVERY IN ANY CRIMINAL OR CIVIL PROCEEDING.

13-1007.

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY SHALL SUBMIT A REPORT ON FINDINGS, RECOMMENDATIONS, AND PROGRAM ACTIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

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