

SENATE BILL 459

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2000 Regular Session
(01r1967)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Senators Hollinger, Hoffman, Forehand, Lawlah, Conway,
Kelley, and Ruben**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 74

1 AN ACT concerning

2 **Maternal Mortality Review Program**

3 FOR the purpose of establishing a Maternal Mortality Review Program to review
4 certain maternal deaths and develop certain strategies for the prevention of
5 certain maternal deaths; authorizing the Secretary of Health and Mental
6 Hygiene to contract and consult with the Medical and Chirurgical Faculty;
7 authorizing the Secretary to provide certain vital records regarding certain
8 maternal deaths; requiring certain health care providers and facilities to report
9 certain maternal deaths to the Maternal Mortality Review Program; requiring
10 that certain records be kept confidential; providing a specified immunity in
11 certain circumstances; requiring the Secretary to make certain reports to the
12 Governor and the General Assembly; *providing for the termination of this Act*;
13 defining certain terms; declaring the findings of the General Assembly; and
14 generally relating to the Maternal Mortality Review Program.

15 BY adding to

1 Article - Health - General
2 Section 13-1001 through 13-1007, inclusive, to be under the new subtitle
3 "Subtitle 10. Maternal Mortality Review Program"
4 Annotated Code of Maryland
5 (1994 Replacement Volume and 1999 Supplement)

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

8 **Article - Health - General**

9 **SUBTITLE 10. MATERNAL MORTALITY REVIEW PROGRAM.**
10 13-1001.

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

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

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

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

20 13-1002.

21 THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

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

1 13-1003.

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

5 13-1004.

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

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

10 (1) IDENTIFY MATERNAL DEATH CASES;

11 (2) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA;

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

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

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

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

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

23 (C) IN ACCORDANCE WITH § 4-221 OF THIS ARTICLE AND NOTWITHSTANDING
24 § 4-224 OF THIS ARTICLE, THE SECRETARY MAY PROVIDE THE PROGRAM WITH A
25 COPY OF THE DEATH CERTIFICATE OF ANY WOMAN WHOSE DEATH IS SUSPECTED TO
26 HAVE BEEN A MATERNAL DEATH.

27 13-1005.

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

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

1 13-1006.

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

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

10 (1) CONFIDENTIAL;

11 (2) NOT OPEN TO PUBLIC INSPECTION; AND

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

14 (C) A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY MAY NOT BE HELD
15 LIABLE FOR CIVIL DAMAGES OR SUBJECT TO ANY CRIMINAL OR DISCIPLINARY
16 ACTION FOR GOOD FAITH EFFORTS MADE TO COMPLY WITH THE PROVISIONS OF
17 THIS SUBTITLE.

18 13-1007.

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2000. *It shall remain effective for a period of 3 years and, at the end of*
25 *September 30, 2003, with no further action required by the General Assembly, this Act*
26 *shall be abrogated and of no further force and effect.*