

HOUSE BILL 78

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2001 Regular Session
(11r0500)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegate Hubbard**

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.

Speaker.

CHAPTER 640

1 AN ACT concerning

2 **Mortality Review Committee - Deaths of Individuals in State Facilities and**
3 **Programs**

4 FOR the purpose of requiring the Mortality Review Committee in the Department of
5 Health and Mental Hygiene to evaluate causes or factors contributing to deaths
6 in facilities or programs operated or licensed by the ~~Mental Health Hygiene~~
7 Administration; increasing the number of members on the Committee; making
8 changes in the Committee membership; prohibiting members of the Committee
9 from communicating directly with a State Psychiatric Superintendent;
10 requiring the Secretary of the Department of Health and Mental Hygiene to
11 report certain deaths within a certain time to the Committee; requiring the
12 Office of Health Care Quality to review certain deaths of individuals with
13 mental illness; providing the Office of Health Care Quality with a certain option
14 under certain circumstances; requiring the administrative head of a service or
15 program operated or licensed by the Developmental Disabilities Administration
16 or a ~~State-funded or operated~~ facility funded or operated by the Mental Hygiene
17 Administration, upon notification of a death, to immediately report to the

1 Secretary the death of an individual with a developmental disability or mental
 2 illness; and generally relating to the review of deaths by the Mortality Review
 3 Committee of individuals with a developmental disability or mental illness.

4 BY repealing and reenacting, with amendments,
 5 Article - Health - General
 6 Section 4-219, 5-803, 5-804(a) and (f), ~~5-805(a)(1)~~ 5-805(a) and (d)(3),
 7 7-207(a)(1), and 10-714(a)(1)
 8 Annotated Code of Maryland
 9 (2000 Replacement Volume)

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

12 **Article - Health - General**

13 4-219.

14 (a) At least annually, the Secretary shall:

15 (1) Publish a report of vital statistics, including population estimates;
 16 and

17 (2) Print and distribute the report to any official, agency, library, or other
 18 person whom the Secretary considers entitled to the report.

19 (b) In addition to the requirements of subsection (a) of this section, by June 30
 20 of each year the Secretary shall report to the State Commission on Infant Mortality
 21 Prevention on the number and cause of death of Maryland children under the age of
 22 1 year who died during the prior calendar year ending December 31st.

23 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF
 24 THIS SECTION, WITHIN 24 HOURS OF NOTIFICATION OF A DEATH, THE SECRETARY
 25 SHALL REPORT TO THE MORTALITY REVIEW COMMITTEE ANY DEATH OF AN
 26 INDIVIDUAL WHO AT THE TIME OF DEATH WAS:

27 (1) AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY, AS DEFINED
 28 IN § 7-101(E) OF THIS ARTICLE, WHO RESIDED IN OR WAS RECEIVING SERVICES FROM
 29 ANY PROGRAM OR FACILITY LICENSED OR OPERATED BY THE ~~DEPARTMENT~~
 30 DEVELOPMENTAL DISABILITIES ADMINISTRATION; OR

31 (2) AN INDIVIDUAL WITH A MENTAL ILLNESS WHO RESIDED IN OR WAS
 32 RECEIVING SERVICES FROM ANY PROGRAM OR FACILITY ~~LICENSED~~ APPROVED,
 33 LICENSED, OR OPERATED BY THE ~~DEPARTMENT~~ MENTAL HYGIENE
 34 ADMINISTRATION.

1 5-803.

2 The Committee shall:

3 (1) Evaluate causes or factors contributing to deaths in facilities or
4 programs operated or licensed by the MENTAL ~~HEALTH~~ HYGIENE ADMINISTRATION
5 AND THE Developmental Disabilities Administration or operating by waiver under §
6 7-903(b) of this article;

7 (2) Identify patterns and systemic problems and ensure consistency in
8 the review process; and

9 (3) Make recommendations to the Secretary to prevent avoidable deaths
10 and improve quality of care.

11 5-804.

12 (a) The Committee shall consist of [12] ~~17~~ 18 members appointed by the
13 Secretary, including the following:

14 (1) A licensed physician who is board certified in an appropriate
15 specialty;

16 (2) A psychopharmacologist;

17 ~~{(3)}~~ (3) A licensed physician on staff with the Department;}

18 ~~{(4)}~~ ~~(3)~~ Two specialists, ONE in the field of developmental disabilities
19 AND ONE IN THE FIELD OF MENTAL HEALTH;

20 ~~{(5)}~~ ~~(4)~~ [A] TWO licensed [provider] PROVIDERS of community
21 services, ONE for persons with developmental disabilities AND ONE FOR PERSONS
22 WITH MENTAL ILLNESSES;

23 ~~{(6)}~~ ~~(5)~~ [A consumer or a family representative of a consumer] TWO
24 CONSUMERS, ONE WITH A DEVELOPMENTAL DISABILITY AND ONE WITH A MENTAL
25 ILLNESS;

26 ~~(6)~~ (7) TWO FAMILY MEMBERS, ONE REPRESENTING A CONSUMER
27 WITH A DEVELOPMENTAL DISABILITY AND ONE REPRESENTING A CONSUMER WITH
28 A MENTAL ILLNESS;

29 ~~(7)~~ (8) The Deputy Secretary of Public Health or the Deputy
30 Secretary's designee;

31 ~~(8)~~ (9) The Director of the Office of Health Care Quality;

32 ~~(9)~~ (10) A licensed physician representative from the Medical
33 Examiner's Office;

1 ~~(10)~~ (11) A licensed nurse who works with persons with developmental
2 disabilities in a program operated by a State licensed provider in the community;
3 [and]

4 ~~(11)~~ (12) A member of an advocacy group for persons with disabilities;
5 AND

6 ~~(12)~~ (13) TWO MEMBERS OF ADVOCACY GROUPS, ONE FOR PERSONS
7 WITH DEVELOPMENTAL DISABILITIES AND ONE FOR PERSONS WITH MENTAL
8 ILLNESSES.

9 (f) (1) An employee of the Developmental Disabilities Administration OR
10 THE MENTAL HEALTH HYGIENE ADMINISTRATION may not be a member of the
11 Committee or any subcommittee of the Committee.

12 (2) The Director of the Office of Health Care Quality may not serve on a
13 subcommittee of the Committee or vote on the disposition of an individual mortality
14 review that was previously reviewed by the Office of Health Care Quality.

15 5-805.

16 (a) (1) ~~The EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,~~
17 THE Office of Health Care Quality shall review each death of an individual with
18 developmental disabilities OR WITH A MENTAL ILLNESS who, at the time of death,
19 resided in or was receiving services from any program or facility licensed or operated
20 by the {Developmental Disabilities Administration or operating by waiver under §
21 7-903(b) of this article} DEPARTMENT ,OR ANY PROGRAM APPROVED, LICENSED, OR
22 OPERATED BY THE MENTAL HYGIENE ADMINISTRATION UNDER § 10-406, § 10-901, OR
23 § 10-902 OF THIS ARTICLE.

24 (2) The Office of Health Care Quality may not review the care or services
25 provided in an individual's private home, except to the extent needed to investigate a
26 licensed provider that offered services at that individual's home.

27 (3) UNLESS A MEMBER OF THE COMMITTEE REQUESTS A REVIEW, THE
28 OFFICE OF HEALTH CARE QUALITY MAY CHOOSE NOT TO REVIEW A DEATH IF THE
29 CIRCUMSTANCES, BASED ON REASONABLE JUDGMENT, ARE READILY EXPLAINED
30 AND REQUIRE NO FURTHER INVESTIGATION.

31 (d) (3) Except as provided in paragraph (2) of this subsection, Committee
32 members may not communicate directly with the provider, a State residential center
33 director, A STATE PSYCHIATRIC SUPERINTENDENT, or a family member[,] or
34 guardian of the individual who is the subject of a death report.

35 7-207.

36 (a) (1) Upon NOTIFICATION OF the death of an individual in a [service or]
37 program OR FACILITY funded or operated by the Administration, the administrative
38 head of the [service or] program OR FACILITY shall report the death:

1 (i) Immediately to the sheriff, police, or chief law enforcement
2 official in the jurisdiction in which the death occurred; [and]

3 (II) IMMEDIATELY TO THE SECRETARY; AND

4 [(ii)] (III) By the close of business the next working day to:

5 1. The Director;

6 2. The health officer in the jurisdiction where the death
7 occurred; and

8 3. The designated State protection and advocacy system.

9 10-714.

10 (a) (1) Upon NOTIFICATION OF the death of an individual in a State funded
11 or operated PROGRAM OR facility, the administrative head of the PROGRAM OR facility
12 shall report the death:

13 (i) Immediately to the sheriff, police, or chief law enforcement
14 official in the jurisdiction in which the death occurred; [and]

15 (II) IMMEDIATELY TO THE SECRETARY; AND

16 [(ii)] (III) By the close of business of the next working day to:

17 1. The Director;

18 2. The health officer in the jurisdiction where the death
19 occurred; and

20 3. The designated State protection and advocacy system.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2001.