
By: **Delegates Goldwater, Barkley, Boutin, Bromwell, Bronrott, Donoghue,
Gordon, Kach, Lee, Mandel, Montgomery, Nathan-Pulliam, and Stern**

Introduced and read first time: February 4, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Long-Term Care Facilities and Hospitals - Reporting Deaths of Long-Term**
3 **Care Facility Residents**

4 FOR the purpose of requiring a medical examiner to investigate deaths of long-term
5 care facility residents and certain individuals in hospitals; requiring a
6 long-term care facility to make a certain report of certain deaths to a medical
7 examiner; requiring a hospital to make a certain report of certain deaths to a
8 medical examiner under certain circumstances; requiring the medical examiner
9 to accept a certain report for investigation; requiring the medical examiner to
10 report the findings of the investigation to certain individuals and facilities
11 under certain circumstances; requiring the medical examiner to report the
12 findings of the investigation to the Department of Health and Mental Hygiene
13 under certain circumstances; providing for a certain criminal penalty; defining a
14 certain term; and generally relating to the reporting of deaths of long-term care
15 facility residents.

16 BY repealing and reenacting, with amendments,
17 Article - Health - General
18 Section 5-309
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2004 Supplement)

21 BY adding to
22 Article - Health - General
23 Section 19-2101 and 19-2102, to be under the new subtitle "Subtitle 21. Death
24 of Long-Term Care Facility Resident"
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2004 Supplement)

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

1 **Article - Health - General**

2 5-309.

3 (a) (1) A medical examiner shall investigate the death of a human being if
4 the death occurs:

5 (i) By violence;

6 (ii) By suicide;

7 (iii) By casualty;

8 (iv) Suddenly, if the deceased was in apparent good health or
9 unattended by a physician; [or]10 (V) TO A RESIDENT OF A LONG-TERM CARE FACILITY OR IN A
11 HOSPITAL AS PROVIDED IN § 19-2102 OF THIS ARTICLE; OR

12 [(v)] (VI) In any suspicious or unusual manner.

13 (2) A medical examiner shall investigate the death of a human fetus if:

14 (i) Regardless of the duration of the pregnancy, the death occurs
15 before the complete expulsion or extraction of the fetus from the mother; and16 (ii) The mother is not attended by a physician at or after the
17 delivery.18 (b) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
19 IF a medical examiner's case occurs, the police or sheriff immediately shall notify the
20 medical examiner and State's Attorney for the county where the body is found and
21 give the known facts concerning the time, place, manner, and circumstances of the
22 death.23 (2) AS PROVIDED IN § 19-2102 OF THIS ARTICLE, IF A RESIDENT OF A
24 LONG-TERM CARE FACILITY DIES, OR IF A FORMER RESIDENT OF A LONG-TERM
25 CARE FACILITY DIES IN A HOSPITAL WITHIN 5 DAYS OF ENTERING THE HOSPITAL,
26 THE LONG-TERM CARE FACILITY OR HOSPITAL WHERE THE DEATH OCCURRED
27 IMMEDIATELY SHALL NOTIFY THE MEDICAL EXAMINER AND GIVE THE KNOWN
28 FACTS CONCERNING THE TIME, PLACE, MANNER, AND CIRCUMSTANCES OF THE
29 DEATH.30 (c) Immediately on notification that a medical examiner's case has occurred,
31 the medical examiner or an investigator of the medical examiner shall go to and take
32 charge of the body. The medical examiner or the investigator shall investigate fully
33 the essential facts concerning the medical cause of death and, before leaving the
34 premises, reduce these facts and the names and addresses of witnesses to writing,
35 which shall be filed in the medical examiner's office.

1 (d) The medical examiner or the investigator shall take possession of and
2 deliver to the State's Attorney or the State's Attorney's designee any object or article
3 that, in the opinion of the medical examiner or the investigator, may be useful in
4 establishing the cause of death.

5 (e) (1) If the next of kin of the deceased is not present at the investigation,
6 the police officer or sheriff at the investigation or, if a police officer or sheriff is not
7 present, the medical examiner or the investigator shall:

8 (i) Take possession of all property of value found on the body;

9 (ii) In the report of the death, make an exact inventory of the
10 property; and

11 (iii) Deliver the property to the appropriate sheriff or police
12 department.

13 (2) The sheriff or police department shall surrender the property to the
14 person who is entitled to its possession or custody.

15 (f) If the case involves the unexpected death of a child, the medical examiner
16 shall notify the chairperson of the local child fatality review team for the county in
17 which the child resided.

18 SUBTITLE 21. DEATH OF LONG-TERM CARE FACILITY RESIDENT.

19 19-2101.

20 IN THIS SUBTITLE, "LONG-TERM CARE FACILITY" MEANS:

21 (1) A NURSING HOME REGULATED UNDER SUBTITLE 14 OF THIS TITLE;

22 (2) AN ADULT DAY CARE FACILITY REGULATED UNDER TITLE 14,
23 SUBTITLE 2 OF THIS ARTICLE;

24 (3) AN ASSISTED LIVING PROGRAM FACILITY REGULATED UNDER
25 SUBTITLE 18 OF THIS TITLE;

26 (4) A HOSPICE FACILITY REGULATED UNDER SUBTITLE 9 OF THIS TITLE;
27 AND

28 (5) A RELATED INSTITUTION REGULATED UNDER SUBTITLE 3 OF THIS
29 TITLE.

30 19-2102.

31 (A) IN ANY CASE OF THE DEATH OF A LONG-TERM CARE FACILITY RESIDENT,
32 THE LONG-TERM CARE FACILITY IMMEDIATELY SHALL REPORT THE DEATH TO THE
33 APPROPRIATE MEDICAL EXAMINER AND GIVE THE KNOWN FACTS CONCERNING THE
34 TIME, PLACE, MANNER, AND CIRCUMSTANCES OF THE DEATH.

1 (B) IF AN INDIVIDUAL DIES IN A HOSPITAL, AND THAT INDIVIDUAL WAS A
2 RESIDENT OF A LONG-TERM CARE FACILITY WITHIN 5 DAYS OF ENTERING THE
3 HOSPITAL, THE HOSPITAL IMMEDIATELY SHALL REPORT THE DEATH TO THE
4 APPROPRIATE MEDICAL EXAMINER AND GIVE THE KNOWN FACTS CONCERNING THE
5 TIME, PLACE, MANNER, AND CIRCUMSTANCES OF THE DEATH.

6 (C) THE LONG-TERM CARE FACILITY OR HOSPITAL SHALL MAKE THE REPORT
7 REQUIRED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION EVEN IF THE
8 LONG-TERM CARE FACILITY OR HOSPITAL BELIEVES THE DEATH TO BE FROM
9 NATURAL CAUSES, THE RESULT OF MALTREATMENT, OR FROM ANY OTHER CAUSE.

10 (D) THE MEDICAL EXAMINER SHALL ACCEPT THE REPORT REQUIRED UNDER
11 SUBSECTIONS (A) AND (B) OF THIS SECTION FOR INVESTIGATION.

12 (E) (1) IF THE MEDICAL EXAMINER FINDS REASONABLE CAUSE TO SUSPECT
13 THAT THE REPORTED DEATH WAS A RESULT OF MALTREATMENT, THE MEDICAL
14 EXAMINER SHALL REPORT THE FINDINGS OF THE INVESTIGATION TO THE POLICE
15 AND THE APPROPRIATE PROSECUTING ATTORNEY.

16 (2) IF THE FACILITY MAKING THE REPORT IS A NURSING HOME OR
17 HOSPITAL, THE MEDICAL EXAMINER SHALL REPORT THE FINDINGS OF THE
18 INVESTIGATION TO THE NURSING HOME OR HOSPITAL UNLESS THE FINDINGS ARE
19 PART OF A PENDING OR ONGOING LAW ENFORCEMENT INVESTIGATION.

20 (3) THE MEDICAL EXAMINER SHALL REPORT THE FINDINGS OF THE
21 INVESTIGATION TO THE DEPARTMENT:

22 (I) ON FINDING REASONABLE CAUSE TO SUSPECT THAT THE
23 DEATH OCCURRED AS A RESULT OF MALTREATMENT; OR

24 (II) AT THE REQUEST OF THE DEPARTMENT, WHEN THERE IS A
25 PENDING INVESTIGATION CONCERNING ALLEGATIONS OF MALTREATMENT OF THE
26 DECEASED INDIVIDUAL PRIOR TO DEATH.

27 (F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
28 AND ON CONVICTION IS SUBJECT TO A FINE NOT TO EXCEED \$5,000.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2005.