

SENATE BILL 426

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11r1742
CF 11r2503

By: **Senator Reilly**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Pregnancy Outcomes – Confidential Statistical Reporting Requirements**

3 FOR the purpose of requiring certain hospitals and facilities to report pregnancy
4 terminations to the Department of Health and Mental Hygiene; requiring a
5 certain report completed by a hospital or facility to meet certain requirements
6 and to include certain information; requiring certain physicians to submit a
7 certain report to the Department within a certain period of time; requiring the
8 Department to submit a certain annual report to the Governor and General
9 Assembly; providing that certain reports required under this Act are not public
10 records and are confidential; providing for certain penalties; requiring the
11 Department to adopt certain regulations; authorizing the State Board of
12 Physicians to provide for certain disciplinary action for a licensee who violates
13 certain provisions of this Act; and generally relating to the reporting of
14 pregnancy terminations.

15 BY adding to

16 Article – Health – General

17 Section 20–217 to be under the new part “Part V. Reporting Requirements”

18 Annotated Code of Maryland

19 (2009 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Health Occupations

22 Section 14–404(a)(40) and (41)

23 Annotated Code of Maryland

24 (2009 Replacement Volume and 2010 Supplement)

25 BY adding to

26 Article – Health Occupations

27 Section 14–404(a)(42)

28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2009 Replacement Volume and 2010 Supplement)

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

Article – Health – General

20–215. RESERVED.

20–216. RESERVED.

PART V. REPORTING REQUIREMENTS.

20–217.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOSPITAL OR FACILITY IN WHICH A PREGNANCY IS TERMINATED SHALL REPORT THE PREGNANCY TERMINATION TO THE DEPARTMENT.

(2) THIS SECTION DOES NOT APPLY TO A HOSPITAL, AS DEFINED IN § 19–301 OF THIS ARTICLE, THAT SUBMITS INFORMATION ON PREGNANCY TERMINATIONS TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

(1) SHALL BE MADE ON A FORM DEVELOPED BY THE DEPARTMENT;

(2) SHALL BE COMPLETED BY THE HOSPITAL OR THE FACILITY IN WHICH THE PREGNANCY TERMINATION OCCURRED AND SIGNED BY THE PHYSICIAN WHO PERFORMED THE PROCEDURE;

(3) SHALL BE TRANSMITTED ANNUALLY TO THE VITAL STATISTICS ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING YEAR;

(4) MAY NOT INCLUDE THE NAME OF THE PATIENT WHOSE PREGNANCY WAS TERMINATED; AND

(5) SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE NAME OF THE FACILITY WHERE THE PREGNANCY TERMINATION OCCURRED;

1 (II) THE COUNTY AND STATE OF RESIDENCE OF THE
2 PATIENT;

3 (III) THE AGE, RACE, AND MARITAL STATUS OF THE PATIENT;

4 (IV) THE NUMBER OF PRIOR PREGNANCIES AND OUTCOME
5 OF EACH PREGNANCY OF THE PATIENT;

6 (V) THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT
7 THE TIME THE PREGNANCY WAS TERMINATED;

8 (VI) THE DATE ON WHICH THE PREGNANCY WAS
9 TERMINATED AND THE METHOD USED BY THE PHYSICIAN TO TERMINATE THE
10 PREGNANCY;

11 (VII) A DESCRIPTION OF ANY COMPLICATIONS THAT
12 OCCURRED WHEN THE PREGNANCY WAS TERMINATED OR WHEN AN ATTEMPT
13 WAS MADE TO TERMINATE THE PREGNANCY; AND

14 (VIII) THE PRIMARY REASON PROVIDED BY THE PATIENT FOR
15 TERMINATING THE PREGNANCY, INCLUDING RAPE, INCEST, FINANCIAL
16 HARDSHIP, PHYSICAL OR MENTAL INFIRMITY, SERIOUS FETAL DEFORMITY,
17 PRESSURE FROM OTHER INDIVIDUALS, ILL-TIMED PREGNANCY, OR
18 ABANDONMENT BY THE FATHER OF THE FETUS.

19 (C) (1) A PHYSICIAN WHO PROVIDES MEDICAL CARE TO A PATIENT
20 AND WHO DETERMINES THAT MEDICAL CARE IS REQUIRED DUE TO
21 COMPLICATIONS RESULTING FROM THE TERMINATION OF A PREGNANCY OR AN
22 ATTEMPT TO TERMINATE A PREGNANCY SHALL SUBMIT A REPORT TO THE
23 DEPARTMENT WITHIN 30 DAYS AFTER THE FIRST TREATMENT OF THE
24 COMPLICATIONS.

25 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
26 SUBSECTION SHALL BE ON A FORM DEVELOPED BY THE DEPARTMENT AND
27 SHALL INCLUDE:

28 (I) THE AGE OF THE PATIENT;

29 (II) THE NUMBER OF PREGNANCIES THE PATIENT HAD
30 PRIOR TO THE MEDICAL COMPLICATIONS RESULTING FROM THE PREGNANCY
31 TERMINATION OR ATTEMPTED PREGNANCY TERMINATION;

1 (III) THE NUMBER AND TYPE OF PREGNANCY TERMINATIONS
2 THE PATIENT HAD PRIOR TO THE MEDICAL COMPLICATIONS RESULTING FROM
3 THE PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY TERMINATION;

4 (IV) THE NAME AND ADDRESS OF THE FACILITY WHERE THE
5 PREGNANCY TERMINATION RESULTING IN THE MEDICAL COMPLICATIONS WAS
6 PERFORMED;

7 (V) IF KNOWN, THE GESTATIONAL AGE OF THE FETUS AT
8 THE TIME OF THE PREGNANCY TERMINATION THAT RESULTED IN THE MEDICAL
9 COMPLICATIONS;

10 (VI) IF KNOWN, THE TYPE OF PREGNANCY TERMINATION
11 PROCEDURE THAT RESULTED IN THE MEDICAL COMPLICATIONS;

12 (VII) THE MEDICAL TREATMENT PROVIDED TO THE PATIENT
13 TO EASE OR ELIMINATE THE MEDICAL COMPLICATIONS FROM THE PREGNANCY
14 TERMINATION OR ATTEMPTED PREGNANCY TERMINATION; AND

15 (VIII) THE NATURE AND EXTENT OF ANY KNOWN PERMANENT
16 CONDITION RESULTING FROM THE MEDICAL COMPLICATIONS.

17 (D) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE
18 DEPARTMENT SHALL SUBMIT A COMPREHENSIVE STATISTICAL REPORT TO THE
19 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
20 ARTICLE, THE GENERAL ASSEMBLY THAT IS BASED ON THE REPORTS
21 REQUIRED UNDER SUBSECTIONS (A), (B), AND (C) OF THIS SECTION.

22 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
23 SUBSECTION SHALL:

24 (I) PROVIDE FOR THE CONFIDENTIALITY OF PATIENTS AND
25 PHYSICIANS; AND

26 (II) BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING.

27 (E) A REPORT REQUIRED UNDER SUBSECTIONS (A), (B), AND (C) OF
28 THIS SECTION:

29 (1) IS NOT A PUBLIC RECORD; AND

30 (2) IS CONFIDENTIAL, EXCEPT THAT DISCLOSURE SHALL BE
31 MADE TO FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCIES IN
32 ACCORDANCE WITH A COURT ORDER.

(F) (1) A PHYSICIAN WHO TERMINATES A PREGNANCY OR TREATS COMPLICATIONS FROM A PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY TERMINATION AND FAILS TO SUBMIT THE REPORTS REQUIRED BY SUBSECTIONS (A), (B), AND (C) OF THIS SECTION IS GUILTY OF UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINARY ACTION UNDER § 14-404 OF THE HEALTH OCCUPATIONS ARTICLE.

(2) AN INDIVIDUAL OTHER THAN A PHYSICIAN WHO WILLFULLY VIOLATES THE REPORTING REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.

(3) A HOSPITAL OR FACILITY THAT DOES NOT SUBMIT THE REPORTS REQUIRED BY SUBSECTIONS (A) AND (B) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.

(G) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

Article – Health Occupations

14-404.

(a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(40) Fails to keep adequate medical records as determined by appropriate peer review; [or]

(41) Performs a cosmetic surgical procedure in an office or a facility that is not:

(i) Accredited by:

1. The American Association for Accreditation of Ambulatory Surgical Facilities;

2. The Accreditation Association for Ambulatory Health Care; or

3. The Joint Commission on the Accreditation of Health Care Organizations; or

1 (ii) Certified to participate in the Medicare program, as enacted
2 by Title XVIII of the Social Security Act; **OR**

3 **(42) FAILS TO COMPLY WITH THE PROVISIONS OF § 20–217 OF THE**
4 **HEALTH – GENERAL ARTICLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2011.