

Chapter 448

(House Bill 796)

AN ACT concerning

Public Health – Maternal Mortality Review Program – Establishment of Local Teams

FOR the purpose of authorizing the establishment of certain maternal mortality review teams in each county; requiring the local health officer to convene the local team under certain circumstances; providing that a local team may include certain representatives; requiring authorizing local teams to include certain members; requiring each local team to elect a chair; establishing the purpose and duties of local teams; authorizing the Department to release certain information at the discretion of the Secretary of Health; authorizing the Secretary to release certain data and findings to certain entities under certain circumstances; requiring, rather than authorizing, the Secretary to provide copies of certain death certificates to the Program; requiring the Secretary to provide the Program with certain information and records under certain circumstances; requiring that the Maternal Mortality Review Program to provide a local team be provided access to certain information and records under certain circumstances; providing that certain meetings are closed and certain meetings are open, subject to certain provisions of law; prohibiting the disclosure of certain information during a certain public meeting; providing that certain information and records are confidential and exempt from disclosure under a certain provision of law and may be disclosed only for a certain purpose; providing that certain compilations of data are public records and certain reports are public information; prohibiting certain individuals from disclosing certain information; providing that certain individuals may not be subject to certain questioning in certain proceedings; providing that certain information, documents, and records proceedings, records, and files are not subject to subpoena, discovery, or introduction into evidence in certain proceedings; ~~establishing certain penalties;~~ establishing a certain penalty; making technical and conforming changes; defining a certain term terms; and generally relating to the Maryland Mortality Review Program and the establishment of local maternal mortality review teams.

BY renumbering

Article – Health – General
 Section 13–1207 and 13–1208, respectively
 to be Section 13–1212 and 13–1213, respectively
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 13–1201 and 13–1204
 Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Health – General

Section 13–1207 through 13–1211

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–1207 and 13–1208, respectively, of Article – Health – General of the Annotated Code of Maryland be renumbered to be Section(s) 13–1212 and 13–1213, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

13–1201.

(a) In this subtitle the following words have the meanings indicated.

(B) “DATA USE AGREEMENT” MEANS AN AGREEMENT BETWEEN THE DEPARTMENT AND A NATIONAL, STATE, OR LOCAL AGENCY OR PROGRAM THAT ESTABLISHES THE TERMS AND CONDITIONS FOR THE CONFIDENTIAL SUBMISSION, COLLECTION, STORAGE, ANALYSIS, REPORTING, AGGREGATION, AND DISSEMINATION OF DE-IDENTIFIED DATA OBTAINED FROM THE MATERNAL MORTALITY REVIEW PROGRAM.

~~(b)~~ **(C)** “Faculty” means the Medical and Chirurgical Faculty in the State.

~~(c)~~ **(D)** “LOCAL TEAM” MEANS THE MULTIDISCIPLINARY AND MULTIAGENCY MATERNAL MORTALITY REVIEW TEAM ESTABLISHED FOR A COUNTY.

~~(c)~~ ~~(D)~~ **(E)** “Maternal ~~child health~~ **MORTALITY REVIEW** committee” means the maternal ~~child health~~ **MORTALITY REVIEW** committee of the Faculty that is a medical review committee, as defined under § 1–401 of the Health Occupations Article.

~~(d)~~ ~~(E)~~ **(F)** “Maternal death” means the death of a woman during pregnancy or within 1 year after the woman ceases to be pregnant.

13–1204.

(a) The Secretary may contract with the Faculty to administer the Maternal Mortality Review Program.

(b) In consultation with the maternal [child health] MORTALITY REVIEW 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) ON THE APPROVAL OF THE SECRETARY AND WITH A SIGNED DATA USE AGREEMENT, THE DEPARTMENT MAY RELEASE DE-IDENTIFIED DATA AND FINDINGS TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION, LOCAL MATERNAL MORTALITY REVIEW TEAMS, AND OTHER ENTITIES AT THE DISCRETION OF THE SECRETARY.

[(c)] (D) In accordance with § 4-221 of this article and notwithstanding § 4-224 of this article, the Secretary [may] SHALL provide the Program with [a copy of the death certificate of any woman whose death is suspected to have been a maternal death]:

(1) INFORMATION ON MATERNAL DEATH CASES WHEN THE RECORDS BECOME AVAILABLE, INCLUDING A COPY OF THE DEATH CERTIFICATE; AND

(2) MEDICAL INFORMATION FROM THE BIRTH OR FETAL DEATH RECORD FOR ANY PREGNANCY THAT OCCURRED WITHIN 1 YEAR BEFORE THE DEATH OF THE WOMAN, EXCLUDING SOCIAL SECURITY NUMBERS, ADDRESSES, AND NAMES OF THE INFANTS.

(E) ON THE REQUEST OF THE SECRETARY, THE PROGRAM SHALL BE PROVIDED ACCESS, TO THE EXTENT ALLOWED BY LAW, TO ALL INFORMATION AND RECORDS MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY, LAW ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND

INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT PROVIDED SERVICES TO A WOMAN WHOSE DEATH IS BEING REVIEWED BY THE PROGRAM.

13-1207.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THERE MAY BE A MULTIDISCIPLINARY AND MULTIAGENCY MATERNAL MORTALITY REVIEW TEAM IN EACH COUNTY.

(2) (I) TWO OR MORE COUNTIES MAY AGREE TO ESTABLISH A SINGLE MULTICOUNTY LOCAL TEAM.

(II) A MULTICOUNTY LOCAL TEAM SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING ON MEMBERSHIP, STAFFING, AND OPERATION.

(B) ~~A LOCAL TEAM SHALL INCLUDE THE FOLLOWING MEMBERS, WHEN AVAILABLE:~~

- ~~(1) THE LOCAL HEALTH OFFICER;~~
- ~~(2) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES;~~
- ~~(3) THE DIRECTOR OF THE COUNTY SUBSTANCE USE TREATMENT PROGRAM;~~
- ~~(4) THE DIRECTOR OF THE COUNTY MENTAL HEALTH AGENCY OR CORE SERVICE AGENCY;~~
- ~~(5) AN OBSTETRICIAN GYNECOLOGIST;~~
- ~~(6) A DIRECT ENTRY MIDWIFE;~~
- ~~(7) A BIRTH DOULA;~~
- ~~(8) A MEMBER OF THE PUBLIC WITH INTEREST OR EXPERTISE IN THE PREVENTION OF MATERNAL DEATHS, APPOINTED BY THE LOCAL HEALTH OFFICER; AND~~
- ~~(9) ANY OTHER INDIVIDUAL NECESSARY TO THE WORK OF THE LOCAL TEAM, RECOMMENDED BY THE LOCAL TEAM AND DESIGNATED BY THE LOCAL HEALTH OFFICER.~~

~~(C) THE MEMBERS DESCRIBED UNDER SUBSECTION (B)(1) THROUGH (4) OF THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THE RESPECTIVE DEPARTMENTS OR OFFICES TO REPRESENT THE MEMBER ON THE LOCAL TEAM.~~

~~(D) IF A LOCAL TEAM IS ESTABLISHED IN A COUNTY, THE LOCAL TEAM:~~

~~(1) SHALL BE CONVENED BY THE LOCAL HEALTH OFFICER; AND~~

~~(2) MAY INCLUDE REPRESENTATIVES FROM OTHER LOCAL AGENCIES AND LOCAL ORGANIZATIONS, LICENSED HEALTH CARE PROVIDERS WITH EXPERTISE IN MATERNAL CHILD HEALTH, AND OTHER INDIVIDUALS NECESSARY TO THE WORK OF THE LOCAL TEAM, RECOMMENDED BY THE LOCAL TEAM, AND DESIGNATED BY THE LOCAL HEALTH OFFICER.~~

(C) FROM AMONG ITS MEMBERS, EACH LOCAL TEAM SHALL ELECT A CHAIR BY MAJORITY VOTE.

13-1208.

(A) THE PURPOSE OF A LOCAL TEAM IS TO PREVENT MATERNAL DEATHS BY:

(1) PROMOTING COOPERATION AND COORDINATION AMONG AGENCIES INVOLVED IN PREVENTING AND RESPONDING TO MATERNAL DEATHS OR IN PROVIDING SERVICES TO SURVIVING FAMILY MEMBERS;

(2) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND INCIDENCE OF MATERNAL DEATHS IN THE COUNTY;

(3) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES WITHIN THE COMMUNITY, LOCAL INSTITUTIONS, AND AGENCIES THE MEMBERS REPRESENT TO PREVENT MATERNAL DEATHS; AND

(4) ADVISING THE MATERNAL MORTALITY REVIEW PROGRAM ON CHANGES TO LAW, POLICY, OR PRACTICE TO PREVENT MATERNAL DEATHS.

(B) TO ACHIEVE ITS PURPOSE, A LOCAL TEAM SHALL:

(1) IN CONSULTATION WITH THE MATERNAL MORTALITY REVIEW PROGRAM, ESTABLISH AND IMPLEMENT A PROTOCOL FOR THE LOCAL TEAM;

~~(2) SET AS ITS GOAL THE REVIEW OF MATERNAL DEATHS IN ACCORDANCE WITH NATIONAL STANDARDS;~~

~~(3)~~ MEET AT LEAST QUARTERLY ANNUALLY TO REVIEW THE STATUS OF MATERNAL FATALITY CASES, RECOMMEND ACTIONS TO IMPROVE COORDINATION OF SERVICES IN THE COMMUNITY, AND RECOMMEND ACTIONS WITHIN LOCAL INSTITUTIONS AND MEMBER AGENCIES TO PREVENT MATERNAL DEATHS;

~~(4) COLLECT AND MAINTAIN DATA ON MATERNAL DEATHS;~~

(3) ENTER INTO A DATA USE AGREEMENT WITH THE DEPARTMENT FOR THE RECEIPT OF INFORMATION FROM THE MATERNAL MORTALITY REVIEW PROGRAM NECESSARY TO CARRY OUT THE LOCAL TEAM’S PURPOSE AND DUTIES; AND

~~(5)~~ (4) PROVIDE REPORTS TO THE MATERNAL MORTALITY REVIEW PROGRAM, INCLUDING:

(I) INFORMATION ON, AND LOCAL TEAM DISCUSSIONS RELATED TO, INDIVIDUAL CASES;

(II) ANY RACIAL DISPARITIES OBSERVED DURING CASE REVIEW;

(III) STEPS TAKEN TO IMPROVE COORDINATION OF SERVICES AND INVESTIGATIONS;

(IV) STEPS TAKEN TO IMPLEMENT CHANGES RECOMMENDED BY THE LOCAL TEAM WITHIN MEMBER AGENCIES; AND

(V) RECOMMENDATIONS ON NECESSARY CHANGES TO STATE AND LOCAL LAW, POLICY, AND PRACTICE TO PREVENT MATERNAL DEATHS; AND.

~~(6) IN CONSULTATION WITH THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS GUIDELINES, DEFINE “SEVERE MATERNAL MORBIDITY”.~~

13-1209.

(A) ON REQUEST OF THE CHAIR OF THE LOCAL TEAM AND AS NECESSARY TO CARRY OUT THE LOCAL TEAM’S PURPOSE AND DUTIES, THE MATERNAL MORTALITY REVIEW PROGRAM SHALL IMMEDIATELY PROVIDE TO THE LOCAL TEAM SHALL BE PROVIDED:

(1) ACCESS TO ALL RELEVANT INFORMATION AND RECORDS, INCLUDING INFORMATION ON PRENATAL CARE, MAINTAINED BY A HEALTH CARE

~~PROVIDER REGARDING A WOMAN WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM IN ACCORDANCE WITH THE LOCAL TEAM'S DATA USE AGREEMENT WITH THE DEPARTMENT; AND~~

(2) ACCESS, TO THE EXTENT ALLOWED BY LAW, TO ALL INFORMATION AND RECORDS MAINTAINED BY ANY STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING BIRTH CERTIFICATES, LAW ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT PROVIDED SERVICES TO:

~~(I) A A WOMAN WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM; OR~~

~~(II) THE FAMILY OF A WOMAN DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.~~

13-1210.

(A) A MEETING OF A LOCAL TEAM SHALL BE CLOSED TO THE PUBLIC AND NOT SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE WHEN A LOCAL TEAM IS DISCUSSING INDIVIDUAL CASES OF MATERNAL DEATHS.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MEETING OF A LOCAL TEAM SHALL BE OPEN TO THE PUBLIC AND SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE WHEN THE LOCAL TEAM IS NOT DISCUSSING INDIVIDUAL CASES OF MATERNAL DEATHS.

(C) (1) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED THAT IDENTIFIES:

(I) A DECEASED WOMAN; OR

(II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED WOMAN.

(2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED REGARDING THE INVOLVEMENT OF ANY AGENCY WITH:

(I) A DECEASED WOMAN; OR

(II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED WOMAN.

(D) THIS SECTION DOES NOT PROHIBIT A LOCAL TEAM FROM REQUESTING THE ATTENDANCE AT A TEAM MEETING OF AN INDIVIDUAL WHO HAS INFORMATION RELEVANT TO THE TEAM'S PERFORMANCE OF ITS PURPOSE AND DUTIES.

(E) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

13-1211.

~~(A) ALL INFORMATION AND RECORDS ACQUIRED BY A LOCAL TEAM, IN THE PERFORMANCE OF ITS PURPOSE AND DUTIES UNDER THIS SUBTITLE, ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE PUBLIC INFORMATION ACT AND MAY BE DISCLOSED ONLY AS NECESSARY TO CARRY OUT THE TEAM'S DUTIES AND PURPOSES.~~

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROCEEDINGS, RECORDS, AND FILES OF A LOCAL TEAM ARE CONFIDENTIAL AND PRIVILEGED, AND ARE NOT DISCOVERABLE OR ADMISSIBLE AS EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.

(B) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD CAUSE THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED ARE PUBLIC RECORDS.

(C) REPORTS OF A LOCAL TEAM THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD CAUSE THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED ARE PUBLIC INFORMATION.

~~(D) EXCEPT AS NECESSARY TO CARRY OUT A TEAM'S PURPOSE AND DUTIES,~~ A MEMBER OF A TEAM AND AN INDIVIDUAL ATTENDING A TEAM MEETING MAY NOT DISCLOSE WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC UNDER § 13-1210 OF THIS SUBTITLE OR ANY INFORMATION THE DISCLOSURE OF WHICH IS PROHIBITED BY THIS SECTION.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF A TEAM, AN INDIVIDUAL ATTENDING A TEAM MEETING, AND AN INDIVIDUAL WHO PRESENTS INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR OPINIONS FORMED AS A RESULT OF A MEETING.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM TESTIFYING TO INFORMATION OBTAINED INDEPENDENTLY OF THE TEAM OR THAT IS PUBLIC INFORMATION.

~~(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, INFORMATION, DOCUMENTS, AND RECORDS OF A LOCAL TEAM ARE NOT SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.~~

~~(2) INFORMATION, DOCUMENTS, AND RECORDS OTHERWISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THE INFORMATION, DOCUMENTS, AND RECORDS WERE PRESENTED DURING PROCEEDINGS OF THE TEAM OR ARE MAINTAINED BY A TEAM.~~

~~(G) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.