

HOUSE BILL 796

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9lr1193
CF SB 602

By: **Delegates Wilkins, Bagnall, Hill, Kerr, R. Lewis, Lisanti, Patterson, and Shetty**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2019

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Maternal Mortality Review Program – Establishment of Local**
3 **Teams**

4 FOR the purpose of authorizing the establishment of certain maternal mortality review
5 teams in each county; requiring the local health officer to convene the local team
6 under certain circumstances; providing that a local team may include certain
7 representatives; ~~requiring~~ authorizing local teams to include certain members;
8 requiring each local team to elect a chair; establishing the purpose and duties of local
9 teams; authorizing the Department to release certain information at the discretion
10 of the Secretary of Health; authorizing the Secretary to release certain data and
11 findings to certain entities under certain circumstances; requiring, rather than
12 authorizing, the Secretary to provide copies of certain death certificates to the
13 Program; requiring the Secretary to provide the Program with certain information
14 and records under certain circumstances; requiring that ~~the Maternal Mortality~~
15 ~~Review Program to provide~~ a local team be provided access to certain information
16 and records under certain circumstances; providing that certain meetings are closed
17 and certain meetings are open, subject to certain provisions of law; prohibiting the
18 disclosure of certain information during a certain public meeting; providing that
19 certain information and records are confidential and exempt from disclosure under
20 a certain provision of law and may be disclosed only for a certain purpose; providing
21 that certain compilations of data are public records and certain reports are public
22 information; prohibiting certain individuals from disclosing certain information;
23 providing that certain individuals may not be subject to certain questioning in
24 certain proceedings; providing that certain ~~information, documents, and records~~
25 proceedings, records, and files are not subject to subpoena, discovery, or introduction

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 into evidence in certain proceedings; ~~establishing certain penalties;~~ establishing a
 2 certain penalty; making technical and conforming changes; defining a certain term
 3 terms; and generally relating to the Maryland Mortality Review Program and the
 4 establishment of local maternal mortality review teams.

5 BY renumbering

6 Article – Health – General

7 Section 13–1207 and 13–1208, respectively

8 to be Section 13–1212 and 13–1213, respectively

9 Annotated Code of Maryland

10 (2015 Replacement Volume and 2018 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Health – General

13 Section 13–1201 and 13–1204

14 Annotated Code of Maryland

15 (2015 Replacement Volume and 2018 Supplement)

16 BY adding to

17 Article – Health – General

18 Section 13–1207 through 13–1211

19 Annotated Code of Maryland

20 (2015 Replacement Volume and 2018 Supplement)

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

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

27 **Article – Health – General**

28 13–1201.

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

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

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

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

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

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

8 13–1204.

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

11 (b) In consultation with the maternal [child health] MORTALITY REVIEW
12 committee of a faculty, the Secretary shall develop a system to:

13 (1) Identify maternal death cases;

14 (2) Review medical records and other relevant data;

15 (3) Contact family members and other affected or involved persons to
16 collect additional relevant data;

17 (4) Consult with relevant experts to evaluate the records and data
18 collected;

19 (5) Make determinations regarding the preventability of maternal deaths;

20 (6) Develop recommendations for the prevention of maternal deaths; and

21 (7) Disseminate findings and recommendations to policy makers, health
22 care providers, health care facilities, and the general public.

23 **(C)** ON THE APPROVAL OF THE SECRETARY AND WITH A SIGNED DATA USE
24 AGREEMENT, THE DEPARTMENT MAY RELEASE DE-IDENTIFIED DATA AND FINDINGS
25 TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION, LOCAL MATERNAL
26 MORTALITY REVIEW TEAMS, AND OTHER ENTITIES AT THE DISCRETION OF THE
27 SECRETARY.

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

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

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

7 **(E) ON THE REQUEST OF THE SECRETARY, THE PROGRAM SHALL BE**
 8 **PROVIDED ACCESS, TO THE EXTENT ALLOWED BY LAW, TO ALL INFORMATION AND**
 9 **RECORDS MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY, LAW**
 10 **ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE**
 11 **INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND**
 12 **INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT PROVIDED**
 13 **SERVICES TO A WOMAN WHOSE DEATH IS BEING REVIEWED BY THE PROGRAM.**

14 **13-1207.**

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

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

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

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

24 **~~(1) THE LOCAL HEALTH OFFICER;~~**

25 **~~(2) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL~~**
 26 **~~SERVICES;~~**

27 **~~(3) THE DIRECTOR OF THE COUNTY SUBSTANCE USE TREATMENT~~**
 28 **~~PROGRAM;~~**

29 **~~(4) THE DIRECTOR OF THE COUNTY MENTAL HEALTH AGENCY OR~~**
 30 **~~CORE SERVICE AGENCY;~~**

31 **~~(5) AN OBSTETRICIAN GYNECOLOGIST;~~**

1 ~~(6) A DIRECT ENTRY MIDWIFE;~~

2 ~~(7) A BIRTH DOULA;~~

3 ~~(8) A MEMBER OF THE PUBLIC WITH INTEREST OR EXPERTISE IN THE~~
4 ~~PREVENTION OF MATERNAL DEATHS, APPOINTED BY THE LOCAL HEALTH OFFICER;~~
5 ~~AND~~

6 ~~(9) ANY OTHER INDIVIDUAL NECESSARY TO THE WORK OF THE LOCAL~~
7 ~~TEAM, RECOMMENDED BY THE LOCAL TEAM AND DESIGNATED BY THE LOCAL~~
8 ~~HEALTH OFFICER.~~

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

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

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

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

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

21 13-1208.

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

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

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

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

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

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

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

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

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

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

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

17 ~~(5)~~ (4) PROVIDE REPORTS TO THE MATERNAL MORTALITY
18 REVIEW PROGRAM, INCLUDING:

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

21 (II) ANY RACIAL DISPARITIES OBSERVED DURING CASE
22 REVIEW;

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

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

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

29 ~~(6) IN CONSULTATION WITH THE AMERICAN COLLEGE OF~~
30 ~~OBSTETRICIANS AND GYNECOLOGISTS GUIDELINES, DEFINE "SEVERE MATERNAL~~
31 ~~MORBIDITY".~~

1 13-1209.

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

6 (1) ACCESS TO ALL RELEVANT INFORMATION AND RECORDS,
7 ~~INCLUDING INFORMATION ON PRENATAL CARE, MAINTAINED BY A HEALTH CARE~~
8 ~~PROVIDER REGARDING A WOMAN WHOSE DEATH IS BEING REVIEWED BY THE LOCAL~~
9 ~~TEAM IN ACCORDANCE WITH THE LOCAL TEAM'S DATA USE AGREEMENT WITH THE~~
10 DEPARTMENT; AND

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

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

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

21 13-1210.

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

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

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

31 (I) A DECEASED WOMAN; OR

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

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

5 (I) A DECEASED WOMAN; OR

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

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

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

14 13-1211.

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

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

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

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

30 (D) ~~EXCEPT AS NECESSARY TO CARRY OUT A TEAM'S PURPOSE AND DUTIES,~~
31 ~~A~~ A MEMBER OF A TEAM AND AN INDIVIDUAL ATTENDING A TEAM MEETING MAY NOT
32 DISCLOSE WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC UNDER § 13-1210

1 OF THIS SUBTITLE OR ANY INFORMATION THE DISCLOSURE OF WHICH IS
2 PROHIBITED BY THIS SECTION.

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.