

SENATE BILL 459

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2000 Regular Session
0lr1967
CF 0lr1807

By: **Senators Hollinger, Hoffman, Forehand, Lawlah, Conway, Kelley, and Ruben**

Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 9, 2000

CHAPTER _____

1 AN ACT concerning

2 **Maternal Mortality Review Program**

3 FOR the purpose of establishing a Maternal Mortality Review Program to review
4 certain maternal deaths and develop certain strategies for the prevention of
5 certain maternal deaths; authorizing the Secretary of Health and Mental
6 Hygiene to contract and consult with the Medical and Chirurgical Faculty;
7 authorizing the Secretary to provide certain vital records regarding certain
8 maternal deaths; requiring certain health care providers and facilities to report
9 certain maternal deaths to the Maternal Mortality Review Program; requiring
10 that certain records be kept confidential; providing a specified immunity in
11 certain circumstances; requiring the Secretary to make certain reports to the
12 Governor and the General Assembly; defining certain terms; declaring the
13 findings of the General Assembly; and generally relating to the Maternal
14 Mortality Review Program.

15 BY adding to
16 Article - Health - General
17 Section 13-1001 through 13-1007, inclusive, to be under the new subtitle
18 "Subtitle 10. Maternal Mortality Review Program"
19 Annotated Code of Maryland
20 (1994 Replacement Volume and 1999 Supplement)

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

1 **Article - Health - General**

2 SUBTITLE 10. MATERNAL MORTALITY REVIEW PROGRAM.

3 13-1001.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (B) "MATERNAL DEATH" MEANS THE DEATH OF A WOMAN DURING
7 PREGNANCY OR WITHIN 1 YEAR AFTER THE WOMAN CEASES TO BE PREGNANT.8 (C) "FACULTY" MEANS THE MEDICAL AND CHIRURGICAL FACULTY IN THE
9 STATE.10 (D) "MATERNAL CHILD HEALTH COMMITTEE" MEANS THE MATERNAL CHILD
11 HEALTH COMMITTEE OF THE FACULTY THAT IS A MEDICAL REVIEW COMMITTEE, AS
12 DEFINED UNDER § 14-501 OF THE HEALTH OCCUPATIONS ARTICLE.

13 13-1002.

14 THE GENERAL ASSEMBLY FINDS THAT:

15 (1) MATERNAL DEATHS ARE A SERIOUS PUBLIC HEALTH CONCERN AND
16 HAVE A TREMENDOUS FAMILY AND SOCIETAL IMPACT;17 (2) MATERNAL DEATHS ARE SIGNIFICANTLY UNDERESTIMATED AND
18 INADEQUATELY DOCUMENTED, PREVENTING EFFORTS TO IDENTIFY AND REDUCE
19 OR ELIMINATE THE CAUSES OF DEATH;20 (3) NO PROCESSES EXIST IN THE STATE FOR THE CONFIDENTIAL
21 IDENTIFICATION, INVESTIGATION, OR DISSEMINATION OF FINDINGS REGARDING
22 MATERNAL DEATHS; AND23 (4) THERE IS A NEED TO ESTABLISH A MATERNAL MORTALITY REVIEW
24 PROGRAM TO REVIEW MATERNAL DEATHS AND TO DEVELOP STRATEGIES FOR THE
25 PREVENTION OF MATERNAL DEATHS.

26 13-1003.

27 THE SECRETARY SHALL ESTABLISH A MATERNAL MORTALITY REVIEW
28 PROGRAM TO REVIEW MATERNAL DEATHS AND TO DEVELOP STRATEGIES FOR THE
29 PREVENTION OF MATERNAL DEATHS.

30 13-1004.

31 (A) THE SECRETARY MAY CONTRACT WITH THE FACULTY TO ADMINISTER
32 THE MATERNAL MORTALITY REVIEW PROGRAM.33 (B) IN CONSULTATION WITH THE MATERNAL CHILD HEALTH COMMITTEE OF
34 A FACULTY, THE SECRETARY SHALL DEVELOP A SYSTEM TO:

- 1 (1) IDENTIFY MATERNAL DEATH CASES;
- 2 (2) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA;
- 3 (3) CONTACT FAMILY MEMBERS AND OTHER AFFECTED OR INVOLVED
4 PERSONS TO COLLECT ADDITIONAL RELEVANT DATA;
- 5 (4) CONSULT WITH RELEVANT EXPERTS TO EVALUATE THE RECORDS
6 AND DATA COLLECTED;
- 7 (5) MAKE DETERMINATIONS REGARDING THE PREVENTABILITY OF
8 MATERNAL DEATHS;
- 9 (6) DEVELOP RECOMMENDATIONS FOR THE PREVENTION OF MATERNAL
10 DEATHS; AND
- 11 (7) DISSEMINATE FINDINGS AND RECOMMENDATIONS TO POLICY
12 MAKERS, HEALTH CARE PROVIDERS, HEALTH CARE FACILITIES, AND THE GENERAL
13 PUBLIC.

14 (C) IN ACCORDANCE WITH § 4-221 OF THIS ARTICLE AND NOTWITHSTANDING
15 § 4-224 OF THIS ARTICLE, THE SECRETARY MAY PROVIDE THE PROGRAM WITH A
16 COPY OF THE DEATH CERTIFICATE OF ANY WOMAN WHOSE DEATH IS SUSPECTED TO
17 HAVE BEEN A MATERNAL DEATH.

18 13-1005.

19 (A) A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY, AS DEFINED
20 UNDER TITLE 19, SUBTITLES 3, 3A, AND 3B OF THIS ARTICLE, SHALL PROVIDE THE
21 MATERNAL MORTALITY REVIEW PROGRAM REASONABLE ACCESS TO ALL RELEVANT
22 MEDICAL RECORDS ASSOCIATED WITH A CASE UNDER REVIEW BY THE MATERNAL
23 MORTALITY REVIEW PROGRAM.

24 (B) THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THIS ARTICLE DO NOT APPLY
25 TO A DISCLOSURE MADE TO THE PROGRAM UNDER THIS SUBTITLE.

26 13-1006.

27 (A) NOTWITHSTANDING THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THIS
28 ARTICLE, IF A PATIENT OF A HEALTH CARE PROVIDER OR A HEALTH CARE FACILITY
29 DIES OF A MATERNAL DEATH AND THE HEALTH CARE PROVIDER OR THE HEALTH
30 CARE FACILITY HAS KNOWLEDGE OF THE CIRCUMSTANCES OF THE DEATH, THE
31 HEALTH CARE PROVIDER OR THE HEALTH CARE FACILITY SHALL REPORT THE
32 DEATH TO THE MATERNAL MORTALITY REVIEW PROGRAM.

33 (B) ANY HEALTH CARE PROVIDER AND HEALTH CARE FACILITY REPORT
34 REQUIRED UNDER THIS SECTION SHALL BE:

- 35 (1) CONFIDENTIAL;
- 36 (2) NOT OPEN TO PUBLIC INSPECTION; AND

1 (3) EXCEPT UNDER A COURT ORDER SEALING THE COURT RECORD, NOT
2 SUBJECT TO SUBPOENA OR DISCOVERY IN ANY CRIMINAL OR CIVIL PROCEEDING.

3 (C) A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY MAY NOT BE HELD
4 LIABLE FOR CIVIL DAMAGES OR SUBJECT TO ANY CRIMINAL OR DISCIPLINARY
5 ACTION FOR GOOD FAITH EFFORTS MADE TO COMPLY WITH THE PROVISIONS OF
6 THIS SUBTITLE.

7 13-1007.

8 ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY SHALL SUBMIT A
9 REPORT ON FINDINGS, RECOMMENDATIONS, AND PROGRAM ACTIONS TO THE
10 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
11 GENERAL ASSEMBLY.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2000.