

(PRE-FILED)

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By: **Delegate Hubbard**

Requested: September 22, 2000

Introduced and read first time: January 10, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Mortality Review Committee - Deaths of Individuals in State Facilities and**  
3 **Programs**

4 FOR the purpose of requiring the Mortality Review Committee in the Department of  
5 Health and Mental Hygiene to evaluate causes or factors contributing to deaths  
6 in facilities or programs operated or licensed by the Mental Health  
7 Administration; increasing the number of members on the Committee; making  
8 changes in the Committee membership; prohibiting members of the Committee  
9 from communicating directly with a State Psychiatric Superintendent;  
10 requiring the Secretary of the Department of Health and Mental Hygiene to  
11 report certain deaths within a certain time to the Committee; requiring the  
12 Office of Health Care Quality to review certain deaths of individuals with  
13 mental illness; requiring the administrative head of a service or program  
14 operated or licensed by the Developmental Disabilities Administration or a  
15 State funded or operated facility to immediately report to the Secretary the  
16 death of an individual with a developmental disability or mental illness; and  
17 generally relating to the review of deaths by the Mortality Review Committee of  
18 individuals with a developmental disability or mental illness.

19 BY repealing and reenacting, with amendments,  
20 Article - Health - General  
21 Section 4-219, 5-803, 5-804(a) and (f), 5-805(a)(1) and (d)(3), 7-207(a)(1), and  
22 10-714(a)(1)  
23 Annotated Code of Maryland  
24 (2000 Replacement Volume)

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

27 **Article - Health - General**

28 4-219.

29 (a) At least annually, the Secretary shall:

1 (1) Publish a report of vital statistics, including population estimates;  
2 and

3 (2) Print and distribute the report to any official, agency, library, or other  
4 person whom the Secretary considers entitled to the report.

5 (b) In addition to the requirements of subsection (a) of this section, by June 30  
6 of each year the Secretary shall report to the State Commission on Infant Mortality  
7 Prevention on the number and cause of death of Maryland children under the age of  
8 1 year who died during the prior calendar year ending December 31st.

9 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF  
10 THIS SECTION, WITHIN 24 HOURS OF A DEATH, THE SECRETARY SHALL REPORT TO  
11 THE MORTALITY REVIEW COMMITTEE ANY DEATH OF AN INDIVIDUAL WHO AT THE  
12 TIME OF DEATH WAS:

13 (1) AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY, AS DEFINED  
14 IN §7-101(E) OF THIS ARTICLE, WHO RESIDED IN OR WAS RECEIVING SERVICES FROM  
15 ANY PROGRAM OR FACILITY LICENSED OR OPERATED BY THE DEPARTMENT; OR

16 (2) AN INDIVIDUAL WITH A MENTAL ILLNESS WHO RESIDED IN OR WAS  
17 RECEIVING SERVICES FROM ANY PROGRAM OR FACILITY LICENSED OR OPERATED  
18 BY THE DEPARTMENT.

19 5-803.

20 The Committee shall:

21 (1) Evaluate causes or factors contributing to deaths in facilities or  
22 programs operated or licensed by the MENTAL HEALTH ADMINISTRATION AND THE  
23 Developmental Disabilities Administration or operating by waiver under § 7-903(b) of  
24 this article;

25 (2) Identify patterns and systemic problems and ensure consistency in  
26 the review process; and

27 (3) Make recommendations to the Secretary to prevent avoidable deaths  
28 and improve quality of care.

29 5-804.

30 (a) The Committee shall consist of [12] 17 members appointed by the  
31 Secretary, including the following:

32 (1) A licensed physician who is board certified in an appropriate  
33 specialty;

34 (2) A psychopharmacologist;

35 [(3) A licensed physician on staff with the Department;]

1            [(4)]    (3)    Two specialists, ONE in the field of developmental disabilities  
2 AND ONE IN THE FIELD OF MENTAL HEALTH;

3            [(5)]    (4)    [A] TWO licensed [provider] PROVIDERS of community  
4 services, ONE for persons with developmental disabilities AND ONE FOR PERSONS  
5 WITH MENTAL ILLNESSES;

6            [(6)]    (5)    [A consumer or a family representative of a consumer] TWO  
7 CONSUMERS, ONE WITH A DEVELOPMENTAL DISABILITY AND ONE WITH A MENTAL  
8 ILLNESS;

9            (6)    TWO FAMILY MEMBERS, ONE REPRESENTING A CONSUMER WITH A  
10 DEVELOPMENTAL DISABILITY AND ONE REPRESENTING A CONSUMER WITH A  
11 MENTAL ILLNESS;

12           (7)    The Deputy Secretary of Public Health or the Deputy Secretary's  
13 designee;

14           (8)    The Director of the Office of Health Care Quality;

15           (9)    A licensed physician representative from the Medical Examiner's  
16 Office;

17           (10)   A licensed nurse who works with persons with developmental  
18 disabilities in a program operated by a State licensed provider in the community;  
19 [and]

20           (11)   A member of an advocacy group for persons with disabilities; AND

21           (12)   TWO MEMBERS OF ADVOCACY GROUPS, ONE FOR PERSONS WITH  
22 DEVELOPMENTAL DISABILITIES AND ONE FOR PERSONS WITH MENTAL ILLNESSES.

23    (f)    (1)    An employee of the Developmental Disabilities Administration OR  
24 THE MENTAL HEALTH ADMINISTRATION may not be a member of the Committee or  
25 any subcommittee of the Committee.

26           (2)    The Director of the Office of Health Care Quality may not serve on a  
27 subcommittee of the Committee or vote on the disposition of an individual mortality  
28 review that was previously reviewed by the Office of Health Care Quality.

29 5-805.

30    (a)    (1)    The Office of Health Care Quality shall review each death of an  
31 individual with developmental disabilities OR WITH A MENTAL ILLNESS who, at the  
32 time of death, resided in or was receiving services from any program or facility  
33 licensed or operated by the [Developmental Disabilities Administration or operating  
34 by waiver under § 7-903(b) of this article] DEPARTMENT.

35    (d)    (3)    Except as provided in paragraph (2) of this subsection, Committee  
36 members may not communicate directly with the provider, a State residential center

1 director, A STATE PSYCHIATRIC SUPERINTENDENT, or a family member[,] or  
 2 guardian of the individual who is the subject of a death report.

3 7-207.

4 (a) (1) Upon the death of an individual in a [service or] program OR  
 5 FACILITY funded or operated by the Administration, the administrative head of the  
 6 [service or] program OR FACILITY shall report the death:

7 (i) Immediately to the sheriff, police, or chief law enforcement  
 8 official in the jurisdiction in which the death occurred; [and]

9 (II) IMMEDIATELY TO THE SECRETARY; AND

10 [(ii)] (III) By the close of business the next working day to:

11 1. The Director;

12 2. The health officer in the jurisdiction where the death  
 13 occurred; and

14 3. The designated State protection and advocacy system.

15 10-714.

16 (a) (1) Upon the death of an individual in a State funded or operated  
 17 PROGRAM OR facility, the administrative head of the PROGRAM OR facility shall report  
 18 the death:

19 (i) Immediately to the sheriff, police, or chief law enforcement  
 20 official in the jurisdiction in which the death occurred; [and]

21 (II) IMMEDIATELY TO THE SECRETARY; AND

22 [(ii)] (III) By the close of business of the next working day to:

23 1. The Director;

24 2. The health officer in the jurisdiction where the death  
 25 occurred; and

26 3. The designated State protection and advocacy system.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 28 October 1, 2001.