

(PRE-FILED)

By: **Delegate Hubbard**

Requested: September 22, 2000

Introduced and read first time: January 10, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2001

CHAPTER _____

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~~ Hygiene
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 funded or operated by the Mental Hygiene
16 Administration to immediately report to the Secretary the death of an
17 individual with a developmental disability or mental illness; and generally
18 relating to the review of deaths by the Mortality Review Committee of
19 individuals with a developmental disability or mental illness.

20 BY repealing and reenacting, with amendments,
21 Article - Health - General
22 Section 4-219, 5-803, 5-804(a) and (f), 5-805(a)(1) and (d)(3), 7-207(a)(1), and
23 10-714(a)(1)
24 Annotated Code of Maryland
25 (2000 Replacement Volume)

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

3 **Article - Health - General**

4 4-219.

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

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

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

10 (b) In addition to the requirements of subsection (a) of this section, by June 30
11 of each year the Secretary shall report to the State Commission on Infant Mortality
12 Prevention on the number and cause of death of Maryland children under the age of
13 1 year who died during the prior calendar year ending December 31st.

14 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF
15 THIS SECTION, WITHIN 24 HOURS OF NOTIFICATION OF A DEATH, THE SECRETARY
16 SHALL REPORT TO THE MORTALITY REVIEW COMMITTEE ANY DEATH OF AN
17 INDIVIDUAL WHO AT THE TIME OF DEATH WAS:

18 (1) AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY, AS DEFINED
19 IN § 7-101(E) OF THIS ARTICLE, WHO RESIDED IN OR WAS RECEIVING SERVICES FROM
20 ANY PROGRAM OR FACILITY LICENSED OR OPERATED BY THE ~~DEPARTMENT~~
21 DEVELOPMENTAL DISABILITIES ADMINISTRATION; OR

22 (2) AN INDIVIDUAL WITH A MENTAL ILLNESS WHO RESIDED IN OR WAS
23 RECEIVING SERVICES FROM ANY PROGRAM OR FACILITY ~~LICENSED~~ APPROVED,
24 LICENSED, OR OPERATED BY THE ~~DEPARTMENT~~ MENTAL HYGIENE
25 ADMINISTRATION.

26 5-803.

27 The Committee shall:

28 (1) Evaluate causes or factors contributing to deaths in facilities or
29 programs operated or licensed by the MENTAL ~~HEALTH~~ HYGIENE ADMINISTRATION
30 AND THE Developmental Disabilities Administration or operating by waiver under §
31 7-903(b) of this article;

32 (2) Identify patterns and systemic problems and ensure consistency in
33 the review process; and

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

1 5-804.

2 (a) The Committee shall consist of [12] ~~17~~ 18 members appointed by the
3 Secretary, including the following:

4 (1) A licensed physician who is board certified in an appropriate
5 specialty;

6 (2) A psychopharmacologist;

7 ~~{(3)}~~ (3) A licensed physician on staff with the Department;}

8 ~~{(4)}~~ ~~(3)~~ Two specialists, ONE in the field of developmental disabilities
9 AND ONE IN THE FIELD OF MENTAL HEALTH;

10 ~~{(5)}~~ ~~(4)~~ [A] TWO licensed [provider] PROVIDERS of community
11 services, ONE for persons with developmental disabilities AND ONE FOR PERSONS
12 WITH MENTAL ILLNESSES;

13 ~~{(6)}~~ ~~(5)~~ [A consumer or a family representative of a consumer] TWO
14 CONSUMERS, ONE WITH A DEVELOPMENTAL DISABILITY AND ONE WITH A MENTAL
15 ILLNESS;

16 ~~(6)~~ (7) TWO FAMILY MEMBERS, ONE REPRESENTING A CONSUMER
17 WITH A DEVELOPMENTAL DISABILITY AND ONE REPRESENTING A CONSUMER WITH
18 A MENTAL ILLNESS;

19 ~~(7)~~ (8) The Deputy Secretary of Public Health or the Deputy
20 Secretary's designee;

21 ~~(8)~~ (9) The Director of the Office of Health Care Quality;

22 ~~(9)~~ (10) A licensed physician representative from the Medical
23 Examiner's Office;

24 ~~(10)~~ (11) A licensed nurse who works with persons with developmental
25 disabilities in a program operated by a State licensed provider in the community;
26 [and]

27 ~~(11)~~ (12) A member of an advocacy group for persons with disabilities;
28 AND

29 ~~(12)~~ (13) TWO MEMBERS OF ADVOCACY GROUPS, ONE FOR PERSONS
30 WITH DEVELOPMENTAL DISABILITIES AND ONE FOR PERSONS WITH MENTAL
31 ILLNESSES.

32 (f) (1) An employee of the Developmental Disabilities Administration OR
33 THE MENTAL ~~HEALTH~~ HYGIENE ADMINISTRATION may not be a member of the
34 Committee or any subcommittee of the Committee.

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

4 5-805.

5 (a) (1) The Office of Health Care Quality shall review each death of an
 6 individual with developmental disabilities OR WITH A MENTAL ILLNESS who, at the
 7 time of death, resided in or was receiving services from any program or facility
 8 licensed or operated by the {Developmental Disabilities Administration or operating
 9 by waiver under § 7-903(b) of this article} ~~DEPARTMENT~~ OR ANY PROGRAM
 10 APPROVED, LICENSED, OR OPERATED BY THE MENTAL HYGIENE ADMINISTRATION
 11 UNDER § 10-406, § 10-901, OR § 10-902 OF THIS ARTICLE.

12 (d) (3) Except as provided in paragraph (2) of this subsection, Committee
 13 members may not communicate directly with the provider, a State residential center
 14 director, A STATE PSYCHIATRIC SUPERINTENDENT, or a family member[,] or
 15 guardian of the individual who is the subject of a death report.

16 7-207.

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

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

22 (II) IMMEDIATELY TO THE SECRETARY; AND

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

24 1. The Director;

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

27 3. The designated State protection and advocacy system.

28 10-714.

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

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

34 (II) IMMEDIATELY TO THE SECRETARY; AND

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

