

HOUSE BILL 357

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By: **Delegate Hubbard**

Introduced and read first time: February 1, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Fetal and Infant Mortality Review**

3 FOR the purpose of establishing a Fetal and Infant Mortality Review Program in the
4 Department of Health and Mental Hygiene; providing for the membership,
5 staffing, purpose, and powers and duties of the State Fetal and Infant Mortality
6 Review Team and local fetal and infant mortality review teams; requiring the
7 members of the State team or of a local team to serve without compensation as a
8 member of the team but authorizing reimbursement for certain expenses in
9 accordance with the Standard State Travel Regulations as provided in the State
10 budget; requiring certain local teams to submit a certain report to the State
11 team on or before a certain date each year; providing that the State team or a
12 local team or its staff shall have access to certain information and records
13 regarding fetal and infant mortality; providing that certain meetings of the
14 State team and certain local teams are closed to the public; providing that
15 certain information and records acquired by the State team or certain local
16 teams or staff are confidential and exempt from disclosure under certain
17 provisions of law; providing for the disclosure of certain information or records;
18 requiring certain statistical compilations to be public records; requiring certain
19 discussions and records of the State team and certain local teams to be
20 confidential; establishing a certain civil and criminal penalty for certain
21 violations; exempting certain individuals, information, records, and documents
22 from being part of certain civil or criminal proceedings; exempting certain
23 health care providers or certain health facilities from certain liability or certain
24 criminal or disciplinary actions; authorizing the Secretary of Health and Mental
25 Hygiene to adopt certain regulations; requiring the Secretary to submit a
26 certain report containing certain information to the Governor and the General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Assembly on or before a certain date each year; defining certain terms; and generally relating to the Fetal and Infant Mortality Review Program.

BY adding to

Article – Health – General

Section 13–2501 through 13–2512 to be under the new subtitle “Subtitle 25. Fetal and Infant Mortality Review Program”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Article – Health – General

SUBTITLE 25. FETAL AND INFANT MORTALITY REVIEW PROGRAM.

13–2501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “FETAL DEATH” MEANS THE DEATH BEFORE THE COMPLETE EXPULSION OR EXTRACTION FROM ITS MOTHER OF A PRODUCT OF CONCEPTION AT ANY GESTATIONAL AGE.

(C) “HEALTH CARE PROVIDER” MEANS:

(1) A PERSON WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE HEALTH OR MEDICAL CARE TO INDIVIDUALS; OR

(2) A FACILITY THAT PROVIDES HEALTH CARE TO INDIVIDUALS.

(D) “INFANT DEATH” MEANS THE DEATH OF A CHILD WHO IS UNDER 1 YEAR OF AGE.

(E) “LOCAL TEAM” MEANS THE LOCAL FETAL AND INFANT MORTALITY REVIEW TEAM ESTABLISHED BY A LOCAL HEALTH DEPARTMENT OR REGIONAL GROUP OF LOCAL HEALTH DEPARTMENTS FOR A COUNTY OR COUNTIES.

1 (F) “STATE TEAM” MEANS THE STATE FETAL AND INFANT MORTALITY
2 REVIEW TEAM ESTABLISHED BY THE DEPARTMENT.

3 **13-2502.**

4 **THE GENERAL ASSEMBLY FINDS THAT:**

5 (1) INFANT MORTALITY HAS LONG BEEN CONSIDERED A LEADING
6 INDICATOR OF THE OVERALL HEALTH OF A POPULATION;

7 (2) THE INFANT MORTALITY RATE IN MARYLAND CONSISTENTLY
8 EXCEEDS NATIONALLY ESTABLISHED GOALS FOR INFANT MORTALITY
9 REDUCTION;

10 (3) FETAL AND INFANT MORTALITY REVIEW IS A COMMUNITY
11 ACTION PROCESS THAT CONTINUALLY ASSESSES AND IMPROVES SERVICE
12 SYSTEMS AND RESOURCES FOR WOMEN, INFANTS, AND FAMILIES THROUGH
13 CONFIDENTIAL AND ANONYMOUS REVIEW OF INDIVIDUAL FETAL AND INFANT
14 MORTALITY CASES; AND

15 (4) THERE IS A NEED TO ESTABLISH A FETAL AND INFANT
16 MORTALITY REVIEW PROGRAM TO REVIEW FETAL AND INFANT DEATHS AND TO
17 DEVELOP STRATEGIES FOR THE PREVENTION OR REDUCTION OF FETAL AND
18 INFANT DEATHS.

19 **13-2503.**

20 **THERE IS A FETAL AND INFANT MORTALITY REVIEW PROGRAM IN THE**
21 **DEPARTMENT TO REVIEW FETAL AND INFANT DEATHS IN THE STATE AND TO**
22 **DEVELOP STRATEGIES FOR THE PREVENTION AND REDUCTION OF FETAL AND**
23 **INFANT DEATHS IN THE STATE.**

24 **13-2504.**

25 (A) THE SECRETARY SHALL APPOINT A STATE FETAL AND INFANT
26 MORTALITY REVIEW TEAM.

1 **(B) (1) THE STATE TEAM SHALL BE A MULTIDISCIPLINARY AND**
2 **MULTIAGENCY REVIEW TEAM CONSISTING OF AT LEAST 15 MEMBERS.**

3 **(2) THE STATE TEAM SHALL INCLUDE REPRESENTATIVES FROM:**

4 **(I) PUBLIC HEALTH, SUCH AS MATERNAL AND CHILD**
5 **HEALTH, SUBSTANCE ABUSE, AND MENTAL HEALTH;**

6 **(II) LOCAL HEALTH DEPARTMENTS;**

7 **(III) HEALTH CARE PROVIDER SPECIALTIES, SUCH AS**
8 **OBSTETRICS, PEDIATRICS, SOCIAL WORK, NURSING, AND NURSE MIDWIFERY;**

9 **(IV) ACADEMIC MEDICAL INSTITUTIONS;**

10 **(V) HOSPITAL ADMINISTRATION, SUCH AS RISK**
11 **MANAGEMENT; AND**

12 **(VI) OTHER AGENCIES OR ORGANIZATIONS INVOLVED WITH**
13 **THE PREVENTION OR REDUCTION OF FETAL AND INFANT DEATHS.**

14 **(C) THE STATE TEAM MAY EMPLOY STAFF IN ACCORDANCE WITH THE**
15 **STATE BUDGET.**

16 **(D) MEMBERS OF THE STATE TEAM SHALL:**

17 **(1) SERVE WITHOUT COMPENSATION AS A MEMBER OF THE**
18 **STATE TEAM; BUT**

19 **(2) BE ENTITLED TO REIMBURSEMENT FOR REASONABLE**
20 **EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES UNDER THE**
21 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
22 **BUDGET.**

23 **13-2505.**

24 **(A) THE PURPOSE OF THE STATE TEAM IS TO PREVENT OR REDUCE**
25 **FETAL AND INFANT DEATHS BY:**

1 (1) DETERMINING CONTRIBUTING FACTORS TO FETAL AND
2 INFANT DEATHS;

3 (2) DEVELOPING RECOMMENDATIONS TO ADDRESS
4 CONTRIBUTING FACTORS TO FETAL AND INFANT DEATHS;

5 (3) IMPLEMENTING STRATEGIES TO PREVENT OR REDUCE FETAL
6 AND INFANT DEATHS;

7 (4) RECOMMENDING LEGISLATIVE OR BUDGETARY INITIATIVES
8 TO THE GOVERNOR AND GENERAL ASSEMBLY TO PREVENT OR REDUCE FETAL
9 AND INFANT DEATHS; AND

10 (5) ADVISING THE GOVERNOR, THE GENERAL ASSEMBLY, AND
11 THE PUBLIC ON NECESSARY CHANGES TO LAW, POLICY, OR PRACTICE TO
12 PREVENT OR REDUCE FETAL AND INFANT DEATHS.

13 (B) THE STATE TEAM MAY:

14 (1) CONDUCT STATISTICAL ANALYSES OF THE INCIDENCE AND
15 UNDERLYING FACTORS FOR FETAL AND INFANT MORTALITY IN THE STATE,
16 INCLUDING ANALYSES THAT FOCUS ON JURISDICTIONS AND REGIONS;

17 (2) DETERMINE CRITERIA FOR THE LOCAL TEAMS WHEN
18 SELECTING CASES IN CONSULTATION WITH THE LOCAL TEAMS;

19 (3) ESTABLISH PROTOCOLS FOR DATA COLLECTION, ANALYSIS,
20 AND REPORTING FOR THE STATE TEAM AND THE LOCAL TEAMS;

21 (4) ANALYZE REPORTS FROM LOCAL TEAMS;

22 (5) ASSIST THE LOCAL TEAMS IN DEVELOPING, IMPLEMENTING,
23 OR EVALUATING COMMUNITY ACTIVITIES THAT ARE INTENDED TO REDUCE
24 FETAL AND INFANT MORTALITY;

25 (6) EVALUATE THE CONTINUED EFFECTIVENESS AND EFFICIENCY
26 OF THE FETAL AND INFANT MORTALITY REVIEW PROGRAM AND MAKE
27 APPROPRIATE CHANGES;

1 **(7) REVIEW AND COMMENT ON PROPOSED LEGISLATION OR**
2 **REGULATIONS THAT MAY IMPACT FETAL AND INFANT MORTALITY;**

3 **(8) ESTABLISH SPECIAL PANELS OR AD HOC COMMITTEES AS**
4 **NECESSARY IN RESPONSE TO AN IDENTIFIED PROFILE OR CLUSTER OF**
5 **FATALITIES NEEDING SPECIAL ATTENTION; AND**

6 **(9) CONSULT WITH RELEVANT EXPERTS AS NEEDED.**

7 **13-2506.**

8 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
9 **SUBSECTION, THERE SHALL BE A MULTIDISCIPLINARY AND MULTIAGENCY**
10 **LOCAL TEAM IN EACH COUNTY.**

11 **(2) TWO OR MORE COUNTIES MAY AGREE TO FORM A**
12 **MULTICOUNTY LOCAL TEAM.**

13 **(B) LOCAL TEAMS ARE A PART OF THEIR RESPECTIVE LOCAL HEALTH**
14 **DEPARTMENT.**

15 **(C) (1) THE MEMBERS OF A LOCAL TEAM SHALL:**

16 **(I) BE APPOINTED BY THE LOCAL HEALTH OFFICER OF THE**
17 **COUNTY; OR**

18 **(II) BE JOINTLY APPOINTED BY THE HEALTH OFFICERS OF**
19 **THE COUNTIES COMPRISING THE MULTICOUNTY LOCAL TEAM.**

20 **(2) EACH LOCAL TEAM SHALL INCLUDE REPRESENTATIVES**
21 **FROM:**

22 **(I) PUBLIC HEALTH, SUCH AS MATERNAL AND CHILD**
23 **HEALTH, SUBSTANCE ABUSE, AND MENTAL HEALTH;**

24 **(II) HEALTH CARE PROVIDER SPECIALTIES, SUCH AS**
25 **OBSTETRICS, PEDIATRICS, SOCIAL WORK, NURSING, AND NURSE MIDWIFERY;**

26 **(III) ACADEMIC MEDICAL INSTITUTIONS;**

1 (IV) HOSPITAL ADMINISTRATION, SUCH AS RISK
2 MANAGEMENT; AND

3 (V) OTHER AGENCIES OR ORGANIZATIONS INVOLVED WITH
4 THE PREVENTION OR REDUCTION OF FETAL AND INFANT DEATHS.

5 (D) A LOCAL TEAM MAY EMPLOY STAFF IN ACCORDANCE WITH THE
6 STATE BUDGET.

7 (E) MEMBERS OF THE LOCAL TEAM SHALL:

8 (1) SERVE WITHOUT COMPENSATION AS A MEMBER OF A LOCAL
9 TEAM; BUT

10 (2) BE ENTITLED TO REIMBURSEMENT FOR REASONABLE
11 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES UNDER THE
12 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
13 BUDGET.

14 (F) THE PURPOSE OF A LOCAL TEAM IS TO PREVENT OR REDUCE FETAL
15 AND INFANT DEATHS BY:

16 (1) DETERMINING CONTRIBUTING FACTORS TO FETAL AND
17 INFANT DEATHS;

18 (2) DEVELOPING RECOMMENDATIONS TO ADDRESS
19 CONTRIBUTING FACTORS TO FETAL AND INFANT DEATHS;

20 (3) IMPLEMENTING STRATEGIES TO PREVENT OR REDUCE FETAL
21 AND INFANT DEATHS; AND

22 (4) ADVISING THE STATE TEAM OF NECESSARY CHANGES IN LAW,
23 POLICY, OR PRACTICES TO PREVENT OR REDUCE FETAL AND INFANT DEATHS.

24 (G) A LOCAL TEAM MAY:

25 (1) EVALUATE FETAL AND INFANT DEATHS TO DETERMINE
26 UNDERLYING OR CONTRIBUTING SYSTEM FACTORS;

(2) MAKE RECOMMENDATIONS FOR NECESSARY SYSTEMS CHANGE;

(3) EVALUATE THE CONTINUED EFFECTIVENESS AND EFFICIENCY OF THE FETAL AND INFANT MORTALITY REVIEW PROGRAM AND MAKE APPROPRIATE CHANGES; AND

(4) ESTABLISH PROTOCOLS FOR DATA COLLECTION, ANALYSIS, AND REPORTING IN COMPLIANCE WITH STATE REGULATIONS, AS APPLICABLE.

(H) ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH LOCAL TEAM SHALL SUBMIT TO THE STATE TEAM AN ANNUAL REPORT REGARDING THE ACTIVITIES AND RECOMMENDATIONS OF THE LOCAL TEAM.

13-2507.

(A) UPON REQUEST, THE STATE TEAM, A LOCAL TEAM, OR ITS STAFF SHALL BE PROVIDED ACCESS TO INFORMATION AND RECORDS:

(1) REGARDING THE FETAL OR INFANT DEATH AND THE HEALTH OF THE MOTHER OF THE FETUS OR INFANT INCLUDING INFORMATION CONCERNING:

(I) PREPREGNANCY, PRENATAL, AND POSTPARTUM CARE OF THE MOTHER;

(II) SOMATIC, MENTAL, SUBSTANCE ABUSE, AND DENTAL HEALTH OF THE MOTHER; AND

(III) THE HEALTH CARE PROVIDED BY THE HEALTH CARE PROVIDER; AND

(2) MAINTAINED BY ANY STATE OR LOCAL GOVERNMENT AGENCY INCLUDING INFORMATION AND RECORDS FROM:

(I) THE MEDICAL EXAMINER:

(II) SOCIAL SERVICES AGENCIES; AND

(III) LAW ENFORCEMENT.

13-2508.

(A) MEETINGS OF THE STATE TEAM AND LOCAL TEAMS SHALL BE CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

(B) THE STATE TEAM OR A LOCAL TEAM OR ITS STAFF MAY REQUEST THE ATTENDANCE OF AN INDIVIDUAL WHO HAS INFORMATION RELEVANT TO THE TEAM AT A TEAM MEETING.

13-2509.

(A) (1) ALL INFORMATION AND RECORDS OBTAINED BY THE STATE OR LOCAL TEAM AND ITS STAFF IN ACCORDANCE WITH THIS SUBTITLE ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(2) THE STATE TEAM OR A LOCAL TEAM MAY DISCLOSE ONLY INFORMATION OR RECORDS AS NECESSARY TO CARRY OUT THE TEAM'S DUTIES UNDER THIS SUBTITLE.

(B) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY INDIVIDUAL SHALL BE PUBLIC RECORDS.

(C) A MEMBER OF THE STATE TEAM OR A LOCAL TEAM OR ITS STAFF SHALL KEEP ALL DISCUSSIONS AT AND RECORDS USED AND ADDRESSED AT MEETINGS NOT OPEN TO THE PUBLIC CONFIDENTIAL.

(D) 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.

13-2510.

1 (A) (1) THE MEMBERS OF THE STATE TEAM OR LOCAL TEAM, OR ITS
2 STAFF, INDIVIDUALS ATTENDING A TEAM MEETING, AND INDIVIDUALS WHO
3 PRESENT INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR
4 CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR
5 OPINIONS FORMED AS A RESULT OF A MEETING.

6 (2) THE MEMBERS OF THE STATE TEAM OR LOCAL TEAM, OR ITS
7 STAFF, INDIVIDUALS ATTENDING A TEAM MEETING, AND INDIVIDUALS WHO
8 PRESENT INFORMATION TO A TEAM, MAY TESTIFY IN A CIVIL OR CRIMINAL
9 PROCEEDING TO INFORMATION OBTAINED INDEPENDENTLY OF THE STATE
10 TEAM OR A LOCAL TEAM OR INFORMATION THAT IS PUBLICLY AVAILABLE.

11 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
12 SUBSECTION, INFORMATION, DOCUMENTS, AND RECORDS OF THE STATE TEAM
13 OR A LOCAL TEAM AND THEIR STAFF ARE NOT SUBJECT TO SUBPOENA,
14 DISCOVERY, OR INTRODUCTION AS EVIDENCE IN ANY CIVIL OR CRIMINAL
15 PROCEEDING.

16 (2) INFORMATION, DOCUMENTS, AND RECORDS OBTAINED BY
17 THE STATE TEAM OR A LOCAL TEAM THAT ARE AVAILABLE FROM OTHER
18 SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR INTRODUCTION
19 INTO EVIDENCE.

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

24 **13-2511.**

25 THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE
26 PROVISIONS OF THIS SUBTITLE.

27 **13-2512.**

28 ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY SHALL
29 SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE
30 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE ACTIVITIES

1 **AND RECOMMENDATIONS OF THE STATE TEAM AND LOCAL TEAMS REGARDING**
2 **FETAL AND INFANT MORTALITY IN THIS STATE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.