

HOUSE BILL 535

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8lr1457

By: **Delegates Hubbard, Kullen, Montgomery, Nathan-Pulliam, Pena-Melnyk, and V. Turner**

Introduced and read first time: January 31, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 29, 2008

CHAPTER _____

1 AN ACT concerning

2 **Morbidity, Mortality, and Quality Review Committee - Pregnancy and**
3 **Childhood**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to devise
5 and institute certain means to prevent and control morbidity and mortality
6 associated with pregnancy, childbirth, infancy, and early childhood; requiring
7 the Secretary to establish a Morbidity, Mortality, and Quality Review
8 Committee in the Department of Health and Mental Hygiene; requiring the
9 Committee to conduct certain case reviews and develop and implement certain
10 interventions; requiring the Secretary to adopt certain regulations that include
11 certain information; defining a certain term; and generally relating to the
12 Morbidity, Mortality, and Quality Review Committee and pregnancy and
13 childhood.

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 1–401(b)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Health Occupations
21 Section 1–401(c)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2007 Supplement)

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 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 18–107
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2007 Supplement)

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

8 **Article – Health Occupations**

9 1–401.

10 (b) For purposes of this section, a medical review committee is:

11 (1) A regulatory board or agency established by State or federal law to
12 license, certify, or discipline any provider of health care;

13 (2) A committee of the Faculty or any of its component societies or a
14 committee of any other professional society or association composed of providers of
15 health care;

16 (3) A committee appointed by or established in a local health
17 department for review purposes;

18 (4) A committee appointed by or established in the Maryland Institute
19 for Emergency Medical Services Systems;

20 (5) A committee of the medical staff or other committee, including any
21 risk management, credentialing, or utilization review committee established in
22 accordance with § 19–319 of the Health – General Article, of a hospital, related
23 institution, or alternative health care system, if the governing board of the hospital,
24 related institution, or alternative health care system forms and approves the
25 committee or approves the written bylaws under which the committee operates;

26 (6) A committee or individual designated by the holder of a pharmacy
27 permit, as defined in § 12–101 of this article, that performs the functions listed in
28 subsection (c) of this section, as part of a pharmacy’s ongoing quality assurance
29 program;

30 (7) Any person, including a professional standard review organization,
31 who contracts with an agency of this State or of the federal government to perform any
32 of the functions listed in subsection (c) of this section;

33 (8) Any person who contracts with a provider of health care to perform
34 any of those functions listed in subsection (c) of this section that are limited to the
35 review of services provided by the provider of health care;

1 (9) An organization, established by the Maryland Hospital
2 Association, Inc. and the Faculty, that contracts with a hospital, related institution, or
3 alternative delivery system to:

4 (i) Assist in performing the functions listed in subsection (c) of
5 this section; or

6 (ii) Assist a hospital in meeting the requirements of § 19–319(e)
7 of the Health – General Article;

8 (10) A committee appointed by or established in an accredited health
9 occupations school;

10 (11) An organization described under § 14–501 of this article that
11 contracts with a hospital, related institution, or health maintenance organization to:

12 (i) Assist in performing the functions listed in subsection (c) of
13 this section; or

14 (ii) Assist a health maintenance organization in meeting the
15 requirements of Title 19, Subtitle 7 of the Health – General Article, the National
16 Committee for Quality Assurance (NCQA), or any other applicable credentialing law
17 or regulation;

18 (12) An accrediting organization as defined in § 14–501 of this article;

19 (13) A Mortality and Quality Review Committee established under §
20 5–801 **OR A MORBIDITY, MORTALITY, AND QUALITY REVIEW COMMITTEE**
21 **ESTABLISHED UNDER § 18–107** of the Health – General Article; or

22 (14) A center designated by the Maryland Health Care Commission as
23 the Maryland Patient Safety Center that performs the functions listed in subsection
24 (c)(1) of this section.

25 (c) For purposes of this section, a medical review committee:

26 (1) Evaluates and seeks to improve the quality of health care provided
27 by providers of health care;

28 (2) Evaluates the need for and the level of performance of health care
29 provided by providers of health care;

30 (3) Evaluates the qualifications, competence, and performance of
31 providers of health care; or

1 (4) Evaluates and acts on matters that relate to the discipline of any
2 provider of health care.

3 **Article – Health – General**

4 18–107.

5 (a) The Secretary shall:

6 (1) Devise and institute means to prevent and control **MORBIDITY**
7 **AND MORTALITY ASSOCIATED WITH:**

8 [(i) Infant mortality;

9 (ii) Diseases of pregnancy;

10 (iii) Diseases of childbirth;

11 (iv) Diseases of infancy; and

12 (v) Diseases of early childhood; and]

13 **(I) PREGNANCY;**

14 **(II) CHILDBIRTH;**

15 **(III) INFANCY; AND**

16 **(IV) EARLY CHILDHOOD; AND**

17 (2) Promote the welfare and hygiene of maternity and infancy.

18 **(B) (1) THE SECRETARY SHALL ESTABLISH A MORBIDITY,**
19 **MORTALITY, AND QUALITY REVIEW COMMITTEE IN THE DEPARTMENT.**

20 **(2) THE COMMITTEE SHALL:**

21 **(I) CONDUCT CONFIDENTIAL AND ANONYMOUS CASE**
22 **REVIEWS OF MORBIDITY AND MORTALITY ASSOCIATED WITH PREGNANCY,**
23 **CHILDBIRTH, INFANCY, AND EARLY CHILDHOOD; AND**

24 **(II) DEVELOP AND IMPLEMENT INTERVENTIONS TO**
25 **IMPROVE THE SYSTEM OF CARE FOR PREGNANCY, CHILDBIRTH, INFANCY, AND**
26 **EARLY CHILDHOOD BASED ON THE FINDINGS FROM CASE REVIEWS CONDUCTED**
27 **UNDER ITEM (I) OF THIS PARAGRAPH.**

1 **(3) (I) THE SECRETARY SHALL ADOPT REGULATIONS TO**
2 **IMPLEMENT THE REQUIREMENTS OF THIS SECTION.**

3 **(II) THE REGULATIONS SHALL INCLUDE:**

4 **1. THE TYPES OF CASE REVIEWS CONDUCTED BY**
5 **THE COMMITTEE;**

6 **2. THE CONFIDENTIALITY OF CASE REVIEWS;**

7 **3. A DESCRIPTION OF THE TYPES OF RECORDS AND**
8 **INFORMATION NEEDED BY THE COMMITTEE TO CONDUCT THE CASE REVIEWS**
9 **UNDER THIS SECTION; AND**

10 **4. THE PROCESS FOR OBTAINING RECORDS,**
11 **INCLUDING PATIENT MEDICAL RECORDS, AND ANY OTHER NECESSARY**
12 **INFORMATION IN ACCORDANCE WITH § 4-305(B) OF THIS ARTICLE.**

13 **[(b)] (C)** This section does not enable the Secretary:

14 (1) To take charge of a child if the parent, guardian, or other person
15 who has custody of the child objects; or

16 (2) To treat the child for a disease without the consent of the parent,
17 guardian, or other person who has custody of the child.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.