

CHAPTER 664

(House Bill 535)

AN ACT concerning

Morbidity, Mortality, and Quality Review Committee – Pregnancy and Childhood

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

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

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

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

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

Article – Health Occupations

1–401.

- (b) For purposes of this section, a medical review committee is:
- (1) A regulatory board or agency established by State or federal law to license, certify, or discipline any provider of health care;
 - (2) A committee of the Faculty or any of its component societies or a committee of any other professional society or association composed of providers of health care;
 - (3) A committee appointed by or established in a local health department for review purposes;
 - (4) A committee appointed by or established in the Maryland Institute for Emergency Medical Services Systems;
 - (5) A committee of the medical staff or other committee, including any risk management, credentialing, or utilization review committee established in accordance with § 19–319 of the Health – General Article, of a hospital, related institution, or alternative health care system, if the governing board of the hospital, related institution, or alternative health care system forms and approves the committee or approves the written bylaws under which the committee operates;
 - (6) A committee or individual designated by the holder of a pharmacy permit, as defined in § 12–101 of this article, that performs the functions listed in subsection (c) of this section, as part of a pharmacy’s ongoing quality assurance program;
 - (7) Any person, including a professional standard review organization, who contracts with an agency of this State or of the federal government to perform any of the functions listed in subsection (c) of this section;
 - (8) Any person who contracts with a provider of health care to perform any of those functions listed in subsection (c) of this section that are limited to the review of services provided by the provider of health care;
 - (9) An organization, established by the Maryland Hospital Association, Inc. and the Faculty, that contracts with a hospital, related institution, or alternative delivery system to:
 - (i) Assist in performing the functions listed in subsection (c) of this section; or
 - (ii) Assist a hospital in meeting the requirements of § 19–319(e) of the Health – General Article;

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

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

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

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

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

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

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

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

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

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

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

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

Article – Health – General

18–107.

(a) The Secretary shall:

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

- [(i) Infant mortality;
- (ii) Diseases of pregnancy;
- (iii) Diseases of childbirth;
- (iv) Diseases of infancy; and
- (v) Diseases of early childhood; and]

(I) PREGNANCY;

(II) CHILDBIRTH;

(III) INFANCY; AND

(IV) EARLY CHILDHOOD; AND

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

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

(2) THE COMMITTEE SHALL:

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

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

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

(II) THE REGULATIONS SHALL INCLUDE:

1. THE TYPES OF CASE REVIEWS CONDUCTED BY THE COMMITTEE;

2. THE CONFIDENTIALITY OF CASE REVIEWS;

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

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

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

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

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

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

Approved by the Governor, May 22, 2008.