

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 394 (Chair, Health and Government Operations Committee)
(By Request – Departmental – Health and Mental Hygiene)

Health and Government Operations

Finance

State Postmortem Examiners Commission - Office of the Chief Medical Examiner - Postmortem Examiners Law

This departmental bill aligns the Postmortem Examiners Law with the National Association of Medical Examiners Autopsy Practice Standards and updates language to reflect current practices. In addition, the bill adds to the staff of the State Postmortem Examiners Commission and makes various other technical changes.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing resources since they primarily codify current practice.

Local Effect: None.

Small Business Effect: The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill authorizes medical examiners who perform autopsies to retain, and then requires the disposal of, any medical evidence, tissue, or organ necessary to carry out the duties of the Postmortem Examiners Law. In addition, the bill authorizes the commission to appoint one or more forensic investigators for each county.

The chief medical examiner and deputy chief medical examiners have to be certified by the American Board of Pathology in anatomic and forensic pathology. Assistant medical examiners appointed on or after October 1, 2008 also have to be certified by the American Board of Pathology in anatomic and forensic pathology or obtain the certification within three years of appointment.

If a child's death is believed to have been caused by abuse or neglect or there is evidence suggesting that the child was a victim of abuse or neglect, the Office of the Chief Medical Examiner has to orally report the findings and deliver a copy of the child's final autopsy report to the local department of social services and the local law enforcement agency of the county in which the child last resided.

The Office of the Chief Medical Examiner has to charge a reasonable fee for reports as specified in a schedule of fees defined in OCME regulations.

Current Law: The commission utilizes OCME staff in accordance with the State budget. Each medical examiner appointed must be a physician with at least two years postgraduate training in pathology. The commission can appoint one or more deputy medical examiners for each county.

If the medical examiner who investigates a medical examiner's case considers an autopsy necessary, the chief medical examiner, the deputy chief medical examiner, and assistant medical examiner, or a pathologist authorized by the chief medical examiner has to perform the autopsy. If the family of the deceased objects to an autopsy on religious grounds, the autopsy cannot be performed unless authorized by the chief medical examiner or by the chief medical examiner's designee.

If a case involves the unexpected death of a child, the medical examiner has to notify the chairperson of the local child fatality review team for the county in which the child resided.

A medical examiner has to charge a reasonable fee for making insurance and other similar reports. A deputy medical examiner can keep any fee that he or she collects.

Background: OCME conducts death investigations throughout the State. In 2007, OCME investigated 10,180 cases of which 4,128 were autopsied.

According to the Department of Health and Mental Hygiene, changes in the bill align OCME practices with the National Association of Medical Examiners National Autopsy Practice Standards. DHMH advises that the commission currently operates with

approximately 49 OCME staff members, which is reflective of the staffing requirements set in the bill. In addition, the chief medical examiner and the deputy chief medical examiner already meet the certification requirements in the bill. However, many of the assistant medical examiners are not currently certified and would have to meet certification requirements within three years. DHMH advises that the bill removes obsolete language relating to facilities, since the commission has never made use of the Baltimore City Health Department, the Department of State Police, or the Baltimore City Police Department.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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