

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 127 (Delegate Pena-Melnyk, *et al.*)

Health and Government Operations

Finance

Death Certificate - Correction - Notice of Right to Appeal Denial

This bill requires the Secretary of Health and Mental Hygiene to include, with a copy of a death certificate that is completed by the Chief Medical Examiner, a notice advising a person in interest of the right to appeal the Chief Medical Examiner's denial of a request to correct findings and conclusions regarding the cause and manner of death recorded on a death certificate. The bill specifies that the requirement be phased in with implementation of the electronic death certificate system.

Fiscal Summary

State Effect: The Department of Health and Mental Hygiene can handle the bill's requirements with existing resources, particularly give the phase-in requirement.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A "person in interest" means the spouse, adult child, parent, adult sibling, grandparent, or guardian of the deceased at the time of the deceased's death.

Except in the case of a homicide finding, a person in interest can request the medical examiner to correct findings and conclusions on the cause and manner of death recorded on a certificate of death. The request has to be made within 60 days after the medical examiner files those findings and conclusions. If the Chief Medical Examiner denies the request, the person in interest may appeal the denial to the Secretary, who refers the matter to the Office of Administrative Hearings.

However, State law does not require that the Secretary *notify* a person in interest of the right to appeal a denial.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Office of Administrative Hearings, Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2009
mcp/mwc Revised - House Third Reader - March 23, 2009

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