

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 100 (Delegate Pena-Melnyk)  
Health and Government Operations

Finance

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**Vital Records - Certificates of Death - Amendments to Cause of Death**

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This bill authorizes the Office of the Chief Medical Examiner (OCME) in the Department of Health and Mental Hygiene to amend the cause of death on a certificate of death at any time after registration without a court order.

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**Fiscal Summary**

**State Effect:** Because OCME advises that it seeks no more than twice a year to obtain a court order to amend a certificate of death, the bill's removal of this requirement is not expected to materially affect governmental finances or operations. OCME can adopt the required procedures with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A certificate of death may be amended only in accordance with relevant provisions of law and any rules and regulations adopted by the Secretary of Health and Mental Hygiene. A court order is required if the amendment is requested three or more years after the death.

If a certificate of death is amended, the facts must be certified to the Secretary and entered (along with other specified information) on the original certificate. All copies of certificates that are amended must contain a notation that an amendment has been made. In addition, a record identifying certain relevant information (including the evidence

upon which the amendment was based, the date of the amendment, and the identity of the individual making the amendment) must be maintained. Amendments may be stored on electronic media approved by the Secretary.

When an informant does not submit the minimum documentation required to amend a certificate of death – or when the Secretary has cause to question either the validity or adequacy of the applicant’s sworn statements or the documentary evidence – and if these deficiencies are not corrected, the Secretary is prohibited from amending the certificate of death and instead must advise the applicant of both the reason for this action and the applicant’s right to appeal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 23, 2012  
mlm/mwc Revised - House Third Reader - March 26, 2012  
Revised - Enrolled Bill - April 17, 2012

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