

# HOUSE BILL 796

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CF SB 602

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By: **Delegates Wilkins, Bagnall, Hill, Kerr, R. Lewis, Lisanti, Patterson, and Shetty**  
Introduced and read first time: February 8, 2019  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Maternal Mortality Review Program – Establishment of Local**  
3 **Teams**

4 FOR the purpose of authorizing the establishment of certain maternal mortality review  
5 teams in each county; requiring local teams to include certain members; requiring  
6 each local team to elect a chair; establishing the purpose and duties of local teams;  
7 requiring the Maternal Mortality Review Program to provide a local team access to  
8 certain information and records under certain circumstances; providing that certain  
9 meetings are closed and certain meetings are open, subject to certain provisions of  
10 law; prohibiting the disclosure of certain information during a certain public  
11 meeting; providing that certain information and records are confidential and exempt  
12 from disclosure under a certain provision of law and may be disclosed only for a  
13 certain purpose; providing that certain compilations of data are public records and  
14 certain reports are public information; prohibiting certain individuals from  
15 disclosing certain information; providing that certain individuals may not be subject  
16 to certain questioning in certain proceedings; providing that certain information,  
17 documents, and records are not subject to subpoena, discovery, or introduction into  
18 evidence in certain proceedings; establishing certain penalties; defining a certain  
19 term; and generally relating to the Maryland Mortality Review Program and the  
20 establishment of local maternal mortality review teams.

21 BY renumbering

22 Article – Health – General  
23 Section 13–1207 and 13–1208, respectively  
24 to be Section 13–1212 and 13–1213, respectively  
25 Annotated Code of Maryland  
26 (2015 Replacement Volume and 2018 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Health – General  
29 Section 13–1201

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2018 Supplement)

3 BY adding to  
4 Article – Health – General  
5 Section 13–1207 through 13–1211  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2018 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
9 That Section(s) 13–1207 and 13–1208, respectively, of Article – Health – General of the  
10 Annotated Code of Maryland be renumbered to be Section(s) 13–1212 and 13–1213,  
11 respectively.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
13 as follows:

14 **Article – Health – General**

15 13–1201.

16 (a) In this subtitle the following words have the meanings indicated.

17 (b) “Faculty” means the Medical and Chirurgical Faculty in the State.

18 (c) **“LOCAL TEAM” MEANS THE MULTIDISCIPLINARY AND MULTIAGENCY**  
19 **MATERNAL MORTALITY REVIEW TEAM ESTABLISHED FOR A COUNTY.**

20 [(c)] (D) “Maternal child health committee” means the maternal child health  
21 committee of the Faculty that is a medical review committee, as defined under § 1–401 of  
22 the Health Occupations Article.

23 [(d)] (E) “Maternal death” means the death of a woman during pregnancy or  
24 within 1 year after the woman ceases to be pregnant.

25 **13–1207.**

26 (A) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THERE MAY**  
27 **BE A MULTIDISCIPLINARY AND MULTIAGENCY MATERNAL MORTALITY REVIEW TEAM**  
28 **IN EACH COUNTY.**

29 (2) (I) **TWO OR MORE COUNTIES MAY AGREE TO ESTABLISH A**  
30 **SINGLE MULTICOUNTY LOCAL TEAM.**

31 (II) **A MULTICOUNTY LOCAL TEAM SHALL EXECUTE A**  
32 **MEMORANDUM OF UNDERSTANDING ON MEMBERSHIP, STAFFING, AND OPERATION.**

1           **(B) A LOCAL TEAM SHALL INCLUDE THE FOLLOWING MEMBERS, WHEN**  
2 **AVAILABLE:**

3                   **(1) THE LOCAL HEALTH OFFICER;**

4                   **(2) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL**  
5 **SERVICES;**

6                   **(3) THE DIRECTOR OF THE COUNTY SUBSTANCE USE TREATMENT**  
7 **PROGRAM;**

8                   **(4) THE DIRECTOR OF THE COUNTY MENTAL HEALTH AGENCY OR**  
9 **CORE SERVICE AGENCY;**

10                   **(5) AN OBSTETRICIAN-GYNECOLOGIST;**

11                   **(6) A DIRECT-ENTRY MIDWIFE;**

12                   **(7) A BIRTH DOULA;**

13                   **(8) A MEMBER OF THE PUBLIC WITH INTEREST OR EXPERTISE IN THE**  
14 **PREVENTION OF MATERNAL DEATHS, APPOINTED BY THE LOCAL HEALTH OFFICER;**  
15 **AND**

16                   **(9) ANY OTHER INDIVIDUAL NECESSARY TO THE WORK OF THE LOCAL**  
17 **TEAM, RECOMMENDED BY THE LOCAL TEAM AND DESIGNATED BY THE LOCAL**  
18 **HEALTH OFFICER.**

19           **(C) THE MEMBERS DESCRIBED UNDER SUBSECTION (B)(1) THROUGH (4) OF**  
20 **THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THE RESPECTIVE**  
21 **DEPARTMENTS OR OFFICES TO REPRESENT THE MEMBER ON THE LOCAL TEAM.**

22           **(D) FROM AMONG ITS MEMBERS, EACH LOCAL TEAM SHALL ELECT A CHAIR**  
23 **BY MAJORITY VOTE.**

24 **13-1208.**

25           **(A) THE PURPOSE OF A LOCAL TEAM IS TO PREVENT MATERNAL DEATHS BY:**

26                   **(1) PROMOTING COOPERATION AND COORDINATION AMONG**  
27 **AGENCIES INVOLVED IN PREVENTING AND RESPONDING TO MATERNAL DEATHS OR**  
28 **IN PROVIDING SERVICES TO SURVIVING FAMILY MEMBERS;**

1           **(2) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND**  
2 **INCIDENCE OF MATERNAL DEATHS IN THE COUNTY;**

3           **(3) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES WITHIN**  
4 **THE COMMUNITY, LOCAL INSTITUTIONS, AND AGENCIES THE MEMBERS REPRESENT**  
5 **TO PREVENT MATERNAL DEATHS; AND**

6           **(4) ADVISING THE MATERNAL MORTALITY REVIEW PROGRAM ON**  
7 **CHANGES TO LAW, POLICY, OR PRACTICE TO PREVENT MATERNAL DEATHS.**

8           **(B) TO ACHIEVE ITS PURPOSE, A LOCAL TEAM SHALL:**

9           **(1) IN CONSULTATION WITH THE MATERNAL MORTALITY REVIEW**  
10 **PROGRAM, ESTABLISH AND IMPLEMENT A PROTOCOL FOR THE LOCAL TEAM;**

11           **(2) SET AS ITS GOAL THE REVIEW OF MATERNAL DEATHS IN**  
12 **ACCORDANCE WITH NATIONAL STANDARDS;**

13           **(3) MEET AT LEAST QUARTERLY TO REVIEW THE STATUS OF**  
14 **MATERNAL FATALITY CASES, RECOMMEND ACTIONS TO IMPROVE COORDINATION OF**  
15 **SERVICES IN THE COMMUNITY, AND RECOMMEND ACTIONS WITHIN LOCAL**  
16 **INSTITUTIONS AND MEMBER AGENCIES TO PREVENT MATERNAL DEATHS;**

17           **(4) COLLECT AND MAINTAIN DATA ON MATERNAL DEATHS;**

18           **(5) PROVIDE REPORTS TO THE MATERNAL MORTALITY REVIEW**  
19 **PROGRAM, INCLUDING:**

20                   **(I) INFORMATION ON, AND LOCAL TEAM DISCUSSIONS**  
21 **RELATED TO, INDIVIDUAL CASES;**

22                   **(II) ANY RACIAL DISPARITIES OBSERVED DURING CASE**  
23 **REVIEW;**

24                   **(III) STEPS TAKEN TO IMPROVE COORDINATION OF SERVICES**  
25 **AND INVESTIGATIONS;**

26                   **(IV) STEPS TAKEN TO IMPLEMENT CHANGES RECOMMENDED BY**  
27 **THE LOCAL TEAM WITHIN MEMBER AGENCIES; AND**

28                   **(V) RECOMMENDATIONS ON NECESSARY CHANGES TO STATE**  
29 **AND LOCAL LAW, POLICY, AND PRACTICE TO PREVENT MATERNAL DEATHS; AND**

1           **(6) IN CONSULTATION WITH THE AMERICAN COLLEGE OF**  
2 **OBSTETRICIANS AND GYNECOLOGISTS GUIDELINES, DEFINE “SEVERE MATERNAL**  
3 **MORBIDITY”.**

4 **13-1209.**

5           **ON REQUEST OF THE CHAIR OF THE LOCAL TEAM AND AS NECESSARY TO**  
6 **CARRY OUT THE LOCAL TEAM’S PURPOSE AND DUTIES, THE MATERNAL MORTALITY**  
7 **REVIEW PROGRAM SHALL IMMEDIATELY PROVIDE TO THE LOCAL TEAM:**

8           **(1) ACCESS TO INFORMATION AND RECORDS, INCLUDING**  
9 **INFORMATION ON PRENATAL CARE, MAINTAINED BY A HEALTH CARE PROVIDER**  
10 **REGARDING A WOMAN WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM; AND**

11           **(2) ACCESS TO ALL INFORMATION AND RECORDS MAINTAINED BY**  
12 **ANY STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING BIRTH CERTIFICATES,**  
13 **LAW ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER**  
14 **INVESTIGATIVE INFORMATION, PAROLE AND PROBATION INFORMATION AND**  
15 **RECORDS, AND INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT**  
16 **PROVIDED SERVICES TO:**

17                   **(I) A WOMAN WHOSE DEATH IS BEING REVIEWED BY THE LOCAL**  
18 **TEAM; OR**

19                   **(II) THE FAMILY OF A WOMAN DESCRIBED IN ITEM (I) OF THIS**  
20 **PARAGRAPH.**

21 **13-1210.**

22           **(A) A MEETING OF A LOCAL TEAM SHALL BE CLOSED TO THE PUBLIC AND**  
23 **NOT SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE WHEN A LOCAL**  
24 **TEAM IS DISCUSSING INDIVIDUAL CASES OF MATERNAL DEATHS.**

25           **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MEETING OF A LOCAL**  
26 **TEAM SHALL BE OPEN TO THE PUBLIC AND SUBJECT TO TITLE 3 OF THE GENERAL**  
27 **PROVISIONS ARTICLE WHEN THE LOCAL TEAM IS NOT DISCUSSING INDIVIDUAL**  
28 **CASES OF MATERNAL DEATHS.**

29           **(C) (1) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE**  
30 **DISCLOSED THAT IDENTIFIES:**

31                   **(I) A DECEASED WOMAN; OR**

1 (II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A  
2 DECEASED WOMAN.

3 (2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE  
4 DISCLOSED REGARDING THE INVOLVEMENT OF ANY AGENCY WITH:

5 (I) A DECEASED WOMAN; OR

6 (II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A  
7 DECEASED WOMAN.

8 (D) THIS SECTION DOES NOT PROHIBIT A LOCAL TEAM FROM REQUESTING  
9 THE ATTENDANCE AT A TEAM MEETING OF AN INDIVIDUAL WHO HAS INFORMATION  
10 RELEVANT TO THE TEAM'S PERFORMANCE OF ITS PURPOSE AND DUTIES.

11 (E) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE  
12 BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR  
13 BOTH.

14 13-1211.

15 (A) ALL INFORMATION AND RECORDS ACQUIRED BY A LOCAL TEAM, IN THE  
16 PERFORMANCE OF ITS PURPOSE AND DUTIES UNDER THIS SUBTITLE, ARE  
17 CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE PUBLIC INFORMATION  
18 ACT AND MAY BE DISCLOSED ONLY AS NECESSARY TO CARRY OUT THE TEAM'S  
19 DUTIES AND PURPOSES.

20 (B) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY  
21 INFORMATION THAT WOULD CAUSE THE IDENTIFICATION OF ANY PERSON TO BE  
22 ASCERTAINED ARE PUBLIC RECORDS.

23 (C) REPORTS OF A LOCAL TEAM THAT DO NOT CONTAIN ANY INFORMATION  
24 THAT WOULD CAUSE THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED ARE  
25 PUBLIC INFORMATION.

26 (D) EXCEPT AS NECESSARY TO CARRY OUT A TEAM'S PURPOSE AND DUTIES,  
27 A MEMBER OF A TEAM AND AN INDIVIDUAL ATTENDING A TEAM MEETING MAY NOT  
28 DISCLOSE WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC UNDER § 13-1210  
29 OF THIS SUBTITLE OR ANY INFORMATION THE DISCLOSURE OF WHICH IS  
30 PROHIBITED BY THIS SECTION.

31 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF

1 A TEAM, AN INDIVIDUAL ATTENDING A TEAM MEETING, AND AN INDIVIDUAL WHO  
2 PRESENTS INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR  
3 CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR OPINIONS  
4 FORMED AS A RESULT OF A MEETING.

5 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT AN  
6 INDIVIDUAL FROM TESTIFYING TO INFORMATION OBTAINED INDEPENDENTLY OF  
7 THE TEAM OR THAT IS PUBLIC INFORMATION.

8 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,  
9 INFORMATION, DOCUMENTS, AND RECORDS OF A LOCAL TEAM ARE NOT SUBJECT TO  
10 SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR  
11 CRIMINAL PROCEEDING.

12 (2) INFORMATION, DOCUMENTS, AND RECORDS OTHERWISE  
13 AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY,  
14 OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE  
15 THE INFORMATION, DOCUMENTS, AND RECORDS WERE PRESENTED DURING  
16 PROCEEDINGS OF THE TEAM OR ARE MAINTAINED BY A TEAM.

17 (G) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE  
18 BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR  
19 BOTH.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2019.