

HOUSE BILL 934

J1

11r2650

By: **Delegate Bartlett**

Introduced and read first time: February 2, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Chief Medical Examiner – Autopsy Findings and Conclusions**

3 FOR the purpose of clarifying the circumstances under which a person in interest may
4 appeal to the Secretary of Health the denial by the Chief Medical Examiner to correct
5 certain findings and conclusions recorded on a certificate of death; clarifying the
6 issues to be considered in a certain contested case hearing; requiring the Maryland
7 Department of Health to report to certain committees of the General Assembly on or
8 before a certain date; making stylistic changes; and generally relating to autopsy
9 findings and conclusions of the Chief Medical Examiner.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 5–310(d)(1) and (2)(ii)
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 5–310(d)(2)(i)
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Health – General**

2 5–310.

3 (d) (1) **(I)** The individual who performs the autopsy shall prepare detailed
4 written findings during the progress of the autopsy.

5 **(II)** [These] **THE** findings **PREPARED UNDER SUBPARAGRAPH (I)**
6 **OF THIS PARAGRAPH** and the conclusions drawn from them shall be filed in the office of
7 the medical examiner for the county where the death occurred.

8 **(III)** The original copy of the findings and conclusions shall be filed in
9 the office of the Chief Medical Examiner.

10 (2) (i) Except in a case of a finding of homicide, a person in interest as
11 defined in § 4–101(e) of the General Provisions Article may request the medical examiner
12 to correct findings and conclusions on the cause and manner of death recorded on a
13 certificate of death under § 4–502 of the General Provisions Article within 60 days after the
14 medical examiner files those findings and conclusions.

15 (ii) **1.** If the Chief Medical Examiner denies the request of a
16 person in interest to correct findings and conclusions on the cause **AND MANNER** of death,
17 the person in interest may appeal the denial to the Secretary, who shall refer the matter to
18 the Office of Administrative Hearings.

19 **2.** A contested case hearing under this [paragraph]
20 **SUBPARAGRAPH** shall be a hearing both on the denial and on the establishment of the
21 findings and conclusions on the cause **AND MANNER** of death.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2024,
23 the Maryland Department of Health shall report to the Senate Finance Committee and the
24 House Health and Government Operations Committee, in accordance with § 2–1257 of the
25 State Government Article, on the number of appeals made to the Secretary of Health when
26 the Chief Medical Examiner denied the request of a person in interest to correct findings
27 and conclusions on the cause and manner of death after October 1, 2021.

28 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.