SENATE BILL 779

By: Senator King
Introduced and read first time: February 7, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Office of the Chief Medical Examiner – Access to Records – Attorney General

FOR the purpose of requiring the Office of the Chief Medical Examiner to provide the Attorney General or the Attorney General’s designee with any record that the Attorney General or the Attorney General’s designee requests for the purpose of conducting a legal compliance audit of potential bias in the operation of the Office of the Chief Medical Examiner; and generally relating to the Office of the Chief Medical Examiner, the Attorney General, and access to records.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 5–311
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

5–311.

(a) (1) The Office of the Chief Medical Examiner shall keep complete records on each medical examiner’s case.

(2) The records shall be indexed properly and include:

(i) The name, if known, of the deceased;

(ii) The place where the body was found;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
The date, cause, and manner of death; and

All other available information about the death.

(b) The original report of the medical examiner who investigates a medical examiner’s case and the findings and conclusions of any autopsy shall be attached to the record of the medical examiner’s case.

(c) The Chief Medical Examiner or, if the Chief Medical Examiner is absent or cannot act, the Deputy Chief Medical Examiner or an assistant medical examiner, and each deputy medical examiner promptly shall deliver to the State’s Attorney for the county where the body was found a copy of each record that relates to a death for which the medical examiner considers further investigation advisable. A State’s Attorney may obtain from the office of a medical examiner a copy of any record or other information that the State’s Attorney considers necessary.

(d) (1) In this subsection, “record”:

(i) Means the result of an external examination of or an autopsy on a body; and

(ii) Does not include a statement of a witness or other individual.

(2) A record of the Office of the Chief Medical Examiner or any deputy medical examiner, if made by the medical examiner or by anyone under the medical examiner’s direct supervision or control, or a certified transcript of that record, is competent evidence in any court in this State of the matters and facts contained in it.

(e) (1) The Office of the Chief Medical Examiner shall charge a reasonable fee for reports as specified in a schedule of fees defined in the regulations of the Office of the Chief Medical Examiner.

(2) A deputy medical examiner may keep any fee collected by the deputy medical examiner.

(F) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Documentary material” has the meaning stated in § 2–601 of this article.

(iii) “Record”:

1. Means the original or a copy of any documentary material in any form that:
A. IS IN THE CUSTODY OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER; AND

B. RELATES TO THE OPERATION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER; AND

2. INCLUDES A MEDICAL RECORD AS DEFINED IN § 4–301(J) OF THIS ARTICLE.


(3) THE OFFICE OF THE CHIEF MEDICAL EXAMINER MAY NOT CHARGE A FEE FOR PROVIDING A RECORD UNDER THIS SUBSECTION.

(4) THE OFFICE OF THE ATTORNEY GENERAL MAY REDISCLOSE ANY RECORD PROVIDED UNDER THIS SUBSECTION OUTSIDE THE OFFICE OF THE ATTORNEY GENERAL ONLY IN ACCORDANCE WITH:

   (I) TITLE 4 OF THE GENERAL PROVISIONS ARTICLE; AND

   (II) FOR MEDICAL RECORDS, § 4–302(D) OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.