

Chapter 296

(House Bill 863)

AN ACT concerning

Public Health – Chief Medical Examiner – Corrections to Autopsy Findings and Conclusions

FOR the purpose of altering the time period after a medical examiner files the findings and conclusions resulting from an autopsy during which a person in interest may request the medical examiner to correct findings and conclusions on the cause and manner of death recorded on a certificate of death; and generally relating to autopsy findings and conclusions of the Chief Medical Examiner.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–310(d)
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

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

Article – Health – General

5–310.

(d) (1) (i) The individual who performs the autopsy shall prepare detailed written findings during the progress of the autopsy.

(ii) The findings prepared under subparagraph (i) of this paragraph and the conclusions drawn from them shall be filed in the office of the medical examiner for the county where the death occurred.

(iii) The original copy of the findings and conclusions shall be filed in the office of the Chief Medical Examiner.

(2) (i) Except in a case of a finding of homicide, a person in interest as defined in § 4–101(e) of the General Provisions Article may request the medical examiner to correct findings and conclusions on the cause and manner of death recorded on a certificate of death under § 4–502 of the General Provisions Article within **[60] 180** days after the medical examiner files those findings and conclusions.

(ii) 1. If the Chief Medical Examiner denies the request of a person in interest to correct findings and conclusions on the cause and manner of death,

the person in interest may appeal the denial to the Secretary, who shall refer the matter to the Office of Administrative Hearings.

2. A contested case hearing under this subparagraph shall be a hearing both on the denial and on the establishment of the findings and conclusions on the cause and manner of death.

(iii) The administrative law judge shall submit findings of fact to the Secretary.

(iv) After reviewing the findings of the administrative law judge, the Secretary, or the Secretary's designee, shall issue an order to:

1. Adopt the findings of the administrative law judge; or

2. Reject the findings of the administrative law judge, and affirm the findings of the medical examiner.

(v) The appellant may appeal a rejection under subparagraph (iv)2 of this paragraph to a circuit court of competent jurisdiction.

(vi) If the final decision of the Secretary, or of the Secretary's designee, or of a court of competent jurisdiction on appeal, establishes a different finding or conclusion on the cause or manner of death of a deceased than that recorded on the certificate of death, the medical examiner shall amend the certificate to reflect the different finding or conclusion under §§ 4-212 and 4-214 of this article and § 4-502 of the General Provisions Article.

(vii) The final decision of the Secretary, or the Secretary's designee, or of a court under this paragraph may not give rise to any presumption concerning the application of any provision of or the resolution of any claim concerning a policy of insurance relating to the deceased.

(viii) If the findings of the medical examiner are upheld by the Secretary, the appellant is responsible for the costs of the contested case hearing. Otherwise, the Department is responsible for the costs of the hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.