

J. SANDY BARTLETT
Legislative District 32
Anne Arundel County

DEPUTY MAJORITY WHIP

Judiciary Committee

House Chair
Joint Committee on
Legislative Ethics



The Maryland House of Delegates
6 Bladen Street, Room 163
Annapolis, Maryland 21401
410-841-3370 · 301-858-3370
800-492-7122 Ext. 3370
Sandy.Bartlett@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

FAVORABLE - HB 863 – Public Health – Chief Medical Examiner – Corrections to Autopsy Findings and Conclusions

TO: Chair Griffith and Vice Chair Klaursmeier and members of the Finance Committee

HB863, if enacted, would extend the time in which a person in interest may appeal a Medical Examiner’s findings and conclusions resulting from an autopsy.

The Maryland Department of Health, Office of Chief Medical Examiner’s website lists as the objective of the forensic investigation and autopsy “to determine the cause and manner of an individual’s death.” Cause of death – meaning the underlying medical condition, disease or injury that begins a lethal chain of events resulting in death. Manner of death – the way in which a death occurs, which may be “homicide, suicide, accidental, natural or undetermined.”

It is important to note that when a medical examiner identifies a manner of death, they are not drawing a legal conclusion.

Except in a finding of homicide, the General Provisions of the Health Article provides that a person in interest, such as a family member, may request a correction as to the Chief Medical Examiner’s autopsy findings and conclusions, essentially the cause and manner of death.

Existing law gives the Chief Medical Examiner authority to deny the request. The person in interest may appeal the denial to the Secretary of Health and be heard in an administrative hearing.

HB863 would extend that time of appeal from 60 days to 180 days because a family in grief should be afforded time and grace. In a contested case, the administrative law judge hears evidence on the denial and on the establishment

of the findings and conclusion on the cause and manner of death. The family member or person in interest may then appeal to the Circuit Court thereafter if the findings remain in dispute.

I urge a favorable report on HB863.

For the record, I met with the Chief Medical Examiner of the State of Maryland, Dr. John Stash via zoom and followed up with emails. He reported to me that “this bill does not appear to have any significant operational or fiscal impact on the office.”