

HOUSE BILL 934

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11r2650

By: **Delegate Bartlett**

Introduced and read first time: February 2, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

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; making stylistic
6 changes; and generally relating to autopsy findings and conclusions of the Chief
7 Medical Examiner.

8 BY repealing and reenacting, with amendments,

9 Article – Health – General

10 Section 5–310(d)(1) and (2)(ii)

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Health – General

15 Section 5–310(d)(2)(i)

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2020 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 5–310.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

15 **2.** A contested case hearing under this [paragraph]
16 **SUBPARAGRAPH** shall be a hearing both on the denial and on the establishment of the
17 findings and conclusions on the cause of death.

18 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
19 October 1, 2021.