

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 876

(Delegate Smith, *et al.*)

Health and Government Operations

Maternal Mortality Review Program - Local Teams - Access to Records

This bill requires a health care provider or health care facility to provide a local maternal mortality review team, on request of the chair, prompt access to all relevant medical records associated with a case under review by the Maternal Mortality Review Program (program) without undue delay. The bill also specifies that confidentiality of medical records provisions under Title 4, Subtitle 3 of the Health-General Article do not apply to a disclosure made to a local team.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not materially affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 74 of 2000 established Maryland's Maternal Mortality Review Program. The purpose of the program is to (1) identify maternal death cases; (2) review medical records and other relevant data; (3) determine preventability of death; (4) develop recommendations for the prevention of maternal deaths; and (5) disseminate findings and recommendations to policymakers, health care providers, health care facilities, and the public. Maternal mortality reviews are conducted by a committee of clinical experts from across the State, the Maternal Mortality Review Committee. The program must submit an

annual report on findings, recommendations, and program actions to the Governor and the General Assembly.

Local Maternal Mortality Review Teams

Chapter 448 of 2019 authorized the establishment of a multidisciplinary and multiagency maternal mortality review team in each county to prevent maternal deaths (also known as a “local team”). If a local team is established, it must be convened by the local health officer and may include other specified representatives necessary to the work of the local team, recommended by the local team, and designated by the local health officer.

A local team must (1) in consultation with the program, establish and implement a protocol; (2) meet at least annually to review specified information; (3) enter into a data use agreement with MDH for the receipt of information necessary to carry out the local team’s purpose and duties; and (4) provide specified reports to the program.

A meeting of a local team must be closed to the public when discussing individual cases of maternal death but otherwise must be open to the public. During a public meeting, information may not be disclosed (1) that identifies a deceased woman or a family member, guardian, or caretaker of a deceased woman or (2) regarding the involvement of any agency with a deceased woman or a family member, guardian, or caretaker of a deceased woman. A violation of these provisions is a misdemeanor subject to imprisonment for up to 90 days and/or a fine of up to \$500.

Generally, the proceedings, records, and files of a local team are confidential and privileged and are not discoverable or admissible as evidence in any civil or criminal proceeding.

Provision of Information and Records

The Secretary of Health must provide the program with information on maternal death cases when the records become available (including a copy of the death certificate) and medical information from the birth or fetal death record for any pregnancy that occurred within one year of the death of the woman (excluding specified information about infants).

On the request of the Secretary, the program must be provided access, to the extent allowed by law, to all information and records maintained by specified agencies that provided services to a woman whose death is being reviewed by the program.

Likewise, on request of the chair of a local team, the local team must be provided (1) access to all relevant information and records in accordance with the local team’s data use agreement with MDH and (2) access, to the extent allowed by law, to all information and

records maintained by specified agencies that provided services to a woman whose death is being reviewed by the local team.

Access to Medical Records

A health care provider or health care facility must provide the program reasonable access to all relevant medical records associated with a case under review by the program. The provisions of Title 4, Subtitle 3 of the Health-General article pertaining to the confidentiality of medical records do not apply to a disclosure made to the program.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 644 (Senator McCray) - Finance.

Information Source(s): Maryland Association of County Health Officers; Baltimore City; Harford, Montgomery, and Talbot counties; Maryland Association of Counties; Maryland Department of Health; Department of Human Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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