

HOUSE BILL 969

J1, E2

4lr3231

By: **Delegate Bartlett**

Introduced and read first time: February 2, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Death Certificates – Cause or Manner of Death Determinations – Requirements**
3 **After Change or Correction**

4 FOR the purpose of requiring, if a victim's initial determination of death recorded on the
5 victim's death certificate was amended or corrected to be undetermined or homicide,
6 an assistant State's Attorney with knowledge of the case to meet with a person in
7 interest on the request of the person in interest for a certain purpose; requiring the
8 medical examiner to provide notice to the State's Attorney and the local law
9 enforcement agency in a certain jurisdiction and request that the Secretary of Health
10 send an amended certified death certificate to a certain person in interest if the
11 medical examiner was required to change or correct the cause or manner of death
12 recorded on the death certificate of a certain deceased individual in accordance with
13 a certain provision of law; and generally relating to requirements that apply when a
14 change or correction is made to the cause or manner of death recorded on a death
15 certificate.

16 BY adding to
17 Article – Criminal Procedure
18 Section 11–1010
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – General Provisions
23 Section 4–101(a) and (g)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2023 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Health – General
28 Section 5–309(d)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2023 Replacement Volume)

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

Article – Criminal Procedure

11–1010.

(A) IN THIS SECTION, “PERSON IN INTEREST” HAS THE MEANING STATED IN
§ 4–101 OF THE GENERAL PROVISIONS ARTICLE.

(B) THIS SECTION APPLIES ONLY WITH RESPECT TO A VICTIM WHOSE
INITIAL DETERMINATION OF CAUSE OR MANNER OF DEATH RECORDED ON THE
VICTIM’S DEATH CERTIFICATE UNDER § 4–212 OF THE HEALTH – GENERAL ARTICLE
WAS AMENDED OR CORRECTED TO BE UNDETERMINED OR HOMICIDE UNDER §
5–309(D)(2) OF THE HEALTH – GENERAL ARTICLE.

(C) FOR AN INVESTIGATION OR A CASE INVOLVING A VICTIM DESCRIBED
UNDER SUBSECTION (B) OF THIS SECTION, AN ASSISTANT STATE’S ATTORNEY WITH
KNOWLEDGE OF THE CASE SHALL MEET WITH A PERSON IN INTEREST WITHIN 20
DAYS AFTER RECEIVING A REQUEST FROM THE PERSON IN INTEREST TO MEET
REGARDING THE PERSON IN INTEREST’S REQUEST THAT THE OFFICE OF THE
STATE’S ATTORNEY PURSUE AN INVESTIGATION INTO THE CIRCUMSTANCES OF THE
VICTIM’S DEATH.

(D) AT THE MEETING REQUIRED UNDER THIS SECTION, THE ASSISTANT
STATE’S ATTORNEY SHALL EXPLAIN THE JUSTIFICATION FOR NOT PURSUING AN
INVESTIGATION INTO THE VICTIM’S DEATH DESPITE THE AMENDMENT OR
CORRECTION TO THE CAUSE OR MANNER OF DEATH ON THE DEATH CERTIFICATE OF
THE VICTIM.

(E) THE MEETING REQUIRED UNDER THIS SECTION MAY BE CONDUCTED IN
PERSON, BY TELEPHONE, OR BY OTHER MEANS MUTUALLY AGREED ON.

Article – General Provisions

4–101.

(a) In this title the following words have the meanings indicated.

(g) “Person in interest” means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased’s death.

Article – Health – General

5–309.

(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.

(iv) The Department and the Committee may not interfere with the clinical findings or conclusions prepared under subparagraphs (i) and (ii) of this paragraph.

(2) (i) Except in a case of a finding of homicide, a person in interest as defined in [§ 4–101(e)] § 4–101 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 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]:

1. **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; **AND**

2. **IF THE CAUSE OR MANNER OF DEATH WAS AMENDED OR CORRECTED TO BE UNDETERMINED OR HOMICIDE:**

A. PROVIDE NOTICE TO THE STATE'S ATTORNEY AND THE LOCAL LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE BODY WAS FOUND OF THE DIFFERENT FINDING OR CONCLUSION ON THE CAUSE OR MANNER OF DEATH OF THE DECEASED THAN THAT PREVIOUSLY RECORDED ON THE DEATH CERTIFICATE; AND

B. REQUEST THAT THE SECRETARY SEND THE PERSON IN INTEREST A CERTIFIED DEATH CERTIFICATE WITH THE CAUSE OR MANNER OF DEATH AMENDED IN ACCORDANCE WITH ITEM 1 OF THIS SUBPARAGRAPH AT NO COST TO THE PERSON IN INTEREST.

(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, 2024.