

# SENATE BILL 127

J3

8lr0918

---

By: **Senator Gladden**

Introduced and read first time: January 18, 2008

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals and Nursing Facilities – Staphylococcus Infections – Reporting**

3 FOR the purpose of requiring certain individuals to include certain information on a  
4 certificate of death; requiring the Department of Health and Mental Hygiene, in  
5 consultation with certain groups and stakeholders, to develop a certain system  
6 regarding the reporting of certain staphylococcus infections; requiring the  
7 Department to make a certain report to certain committees of the General  
8 Assembly on or before a certain date; making certain stylistic changes; and  
9 generally relating to hospitals and nursing facilities and staphylococcus  
10 infections.

11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 4–212(b)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2007 Supplement)

16 BY adding to  
17 Article – Health – General  
18 Section 19–308.9  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2007 Supplement)

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

23 **Article – Health – General**

24 4–212.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) A certificate of death regardless of age of decedent shall be filled  
2 out and signed by:

3 (i) The medical examiner, if the medical examiner takes charge  
4 of the body; or

5 (ii) If the medical examiner does not take charge of the body, the  
6 physician who last attended the deceased.

7 (2) The medical examiner or physician shall fill in only the following  
8 information on the certificate of death:

9 (i) The name of the deceased[.];

10 (ii) The cause of death and medical certification[.];

11 (iii) The date and hour of death[.];

12 (iv) The place where death occurred[.]; AND

13 (v) **WHETHER THE DECEASED WAS BEING TREATED FOR A**  
14 **STAPHYLOCOCCUS INFECTION AT THE TIME OF DEATH.**

15 (3) Any other information that is required on the certificate of death  
16 regardless of age of decedent shall be filled in:

17 (i) By the person who has charge of the body; or

18 (ii) If the State Anatomy Board has charge of the body, by the  
19 person who last had charge of the body before it was sent to the State Anatomy Board.

20 (4) The medical certification shall be completed within 24 hours after  
21 receipt of the death certificate by the physician in charge of the patient's care for the  
22 illness or condition which resulted in death, except when inquiry is required by the  
23 medical examiner.

24 (5) In the absence or inability of the attending physician or with the  
25 attending physician's approval, the certificate may be completed by:

26 (i) The attending physician's associate;

27 (ii) The chief medical officer or designee of the institution in  
28 which death occurred; or

29 (iii) The physician who performed an autopsy upon the decedent,  
30 provided the individual has access to the medical history of the case and death is due  
31 to natural causes.

1           (6) The person completing the cause of death and medical certification  
2 shall attest to the accuracy by signature or by an approved electronic process.

3           (7) The funeral director or person acting as the funeral director shall  
4 in all cases obtain the medical certification from the person responsible for its  
5 completion or obtain assurance that the medical certification has been provided to the  
6 Secretary by an approved electronic process.

7 **19-308.9.**

8           **THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND HOSPITAL**  
9 **ASSOCIATION, THE HEALTH FACILITIES ASSOCIATION OF MARYLAND,**  
10 **MID-ATLANTIC LIFESPAN, AND OTHER INTERESTED STAKEHOLDERS, SHALL**  
11 **DEVELOP A SYSTEM REQUIRING:**

12           **(1) HOSPITALS AND NURSING FACILITIES IN THE STATE TO**  
13 **REPORT ANNUALLY ON INCIDENTS OF METHICILLIN-RESISTANT**  
14 **STAPHYLOCOCCUS AUREUS AND VANCOMYCIN-RESISTANT ENTEROCOCCUS TO**  
15 **THE DEPARTMENT; AND**

16           **(2) THE DEPARTMENT TO SUBMIT AN ANNUAL REPORT TO THE**  
17 **GOVERNOR AND GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE**  
18 **STATE GOVERNMENT ARTICLE, ON THE INCIDENCE OF**  
19 **METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS AND**  
20 **VANCOMYCIN-RESISTANT ENTEROCOCCUS IN HOSPITALS AND NURSING**  
21 **FACILITIES IN THE STATE.**

22           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December  
23 1, 2008, the Department of Health and Mental Hygiene shall report to the Senate  
24 Finance Committee and the House Health and Government Operations Committee, in  
25 accordance with § 2-1246 of the State Government Article, on legislative  
26 recommendations to develop a system required by § 19-308.9 of the Health – General  
27 Article, as enacted by this Act.

28           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2008.