

HOUSE BILL 967

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2lr1669
CF SB 427

By: **Delegates Kach, DeBoy, Donoghue, Elliott, and Wood**

Introduced and read first time: February 10, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Pregnancy Outcomes – Confidential Statistical Reporting Requirements**

3 FOR the purpose of requiring certain hospitals and facilities to report pregnancy
4 terminations to the Department of Health and Mental Hygiene; requiring a
5 certain report completed by a hospital or facility to meet certain requirements
6 and to include certain information; requiring certain physicians to submit a
7 certain report to the Department within a certain period of time; requiring the
8 Department to submit a certain annual report to the Governor and General
9 Assembly; providing that certain reports required under this Act are not public
10 records and are confidential; providing for certain penalties; requiring the
11 Department to adopt certain regulations; authorizing the State Board of
12 Physicians to provide for certain disciplinary action for a licensee who violates
13 certain provisions of this Act; and generally relating to the reporting of
14 pregnancy terminations.

15 BY adding to

16 Article – Health – General
17 Section 20–217 to be under the new part “Part V. Reporting Requirements”
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Health Occupations
22 Section 14–404(a)(40) and (41)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2011 Supplement)

25 BY adding to

26 Article – Health Occupations
27 Section 14–404(a)(42)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2009 Replacement Volume and 2011 Supplement)

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

Article – Health – General

20–215. RESERVED.

20–216. RESERVED.

PART V. REPORTING REQUIREMENTS.

20–217.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOSPITAL OR FACILITY IN WHICH A PREGNANCY IS TERMINATED SHALL REPORT THE PREGNANCY TERMINATION TO THE DEPARTMENT.

(2) THIS SECTION DOES NOT APPLY TO A HOSPITAL, AS DEFINED IN § 19–301 OF THIS ARTICLE, THAT SUBMITS INFORMATION ON PREGNANCY TERMINATIONS TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

(1) IS CONFIDENTIAL, EXCEPT THAT DISCLOSURE SHALL BE MADE TO FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCIES IN ACCORDANCE WITH A COURT ORDER;

(2) SHALL BE MADE ON A FORM DEVELOPED BY THE DEPARTMENT;

(3) SHALL BE COMPLETED BY THE HOSPITAL OR THE FACILITY IN WHICH THE PREGNANCY TERMINATION OCCURRED AND SIGNED BY THE PHYSICIAN WHO PERFORMED THE PROCEDURE;

(4) SHALL BE TRANSMITTED ANNUALLY TO THE VITAL STATISTICS ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING YEAR;

(5) IS NOT A PUBLIC RECORD;

(6) MAY NOT INCLUDE THE NAME OF THE PATIENT WHOSE PREGNANCY WAS TERMINATED; AND

1 **(7) SHALL INCLUDE THE FOLLOWING INFORMATION:**

2 **(I) THE NAME OF THE FACILITY WHERE THE PREGNANCY**
3 **TERMINATION OCCURRED;**

4 **(II) THE COUNTY AND STATE OF RESIDENCE OF THE**
5 **PATIENT;**

6 **(III) THE AGE, RACE, AND MARITAL STATUS OF THE PATIENT;**

7 **(IV) THE NUMBER OF PRIOR PREGNANCIES AND OUTCOME**
8 **OF EACH PREGNANCY OF THE PATIENT;**

9 **(V) THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT**
10 **THE TIME THE PREGNANCY WAS TERMINATED;**

11 **(VI) THE DATE ON WHICH THE PREGNANCY WAS**
12 **TERMINATED AND THE METHOD USED BY THE PHYSICIAN TO TERMINATE THE**
13 **PREGNANCY; AND**

14 **(VII) A DESCRIPTION OF ANY COMPLICATIONS THAT**
15 **OCCURRED WHEN THE PREGNANCY WAS TERMINATED OR WHEN AN ATTEMPT**
16 **WAS MADE TO TERMINATE THE PREGNANCY.**

17 **(c) (1) A PHYSICIAN WHO PROVIDES MEDICAL CARE TO A PATIENT**
18 **AND WHO DETERMINES THAT MEDICAL CARE IS REQUIRED DUE TO**
19 **COMPLICATIONS RESULTING FROM THE TERMINATION OF A PREGNANCY OR AN**
20 **ATTEMPT TO TERMINATE A PREGNANCY SHALL SUBMIT A REPORT TO THE**
21 **DEPARTMENT WITHIN 30 DAYS AFTER THE FIRST TREATMENT OF THE**
22 **COMPLICATIONS.**

23 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION:**

25 **(i) IS CONFIDENTIAL, EXCEPT THAT DISCLOSURE SHALL BE**
26 **MADE TO FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCIES IN**
27 **ACCORDANCE WITH A COURT ORDER; AND**

28 **(ii) IS NOT A PUBLIC RECORD.**

1 **(3) (I) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF**
2 **THIS SUBSECTION SHALL BE ON A FORM DEVELOPED BY THE DEPARTMENT AND**
3 **SHALL INCLUDE:**

4 **1. THE AGE OF THE PATIENT;**

5 **2. THE NUMBER OF PREGNANCIES THE PATIENT**
6 **HAD PRIOR TO THE MEDICAL COMPLICATIONS RESULTING FROM THE**
7 **PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY TERMINATION;**

8 **3. THE NUMBER AND TYPE OF PREGNANCY**
9 **TERMINATIONS THE PATIENT HAD PRIOR TO THE MEDICAL COMPLICATIONS**
10 **RESULTING FROM THE PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY**
11 **TERMINATION;**

12 **4. THE NAME AND ADDRESS OF THE FACILITY IN**
13 **WHICH THE PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY**
14 **TERMINATION THAT RESULTED IN THE MEDICAL COMPLICATIONS WAS**
15 **PERFORMED;**

16 **5. IF KNOWN, THE GESTATIONAL AGE OF THE FETUS**
17 **AT THE TIME OF THE PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY**
18 **TERMINATION THAT RESULTED IN THE MEDICAL COMPLICATIONS;**

19 **6. IF KNOWN, THE TYPE OF PREGNANCY**
20 **TERMINATION OR ATTEMPTED PREGNANCY TERMINATION PROCEDURE THAT**
21 **RESULTED IN THE MEDICAL COMPLICATIONS;**

22 **7. THE MEDICAL TREATMENT PROVIDED TO THE**
23 **PATIENT TO EASE OR ELIMINATE THE MEDICAL COMPLICATIONS FROM THE**
24 **PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY TERMINATION; AND**

25 **8. THE NATURE AND EXTENT OF ANY KNOWN**
26 **PERMANENT CONDITION RESULTING FROM THE MEDICAL COMPLICATIONS.**

27 **(II) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF**
28 **THIS SUBSECTION MAY NOT INCLUDE THE NAME OF THE PATIENT.**

29 **(D) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE**
30 **DEPARTMENT SHALL SUBMIT A COMPREHENSIVE STATISTICAL REPORT TO THE**
31 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
32 **ARTICLE, THE GENERAL ASSEMBLY THAT IS BASED ON THE REPORTS**
33 **REQUIRED UNDER SUBSECTIONS (A), (B), AND (C) OF THIS SECTION.**

1 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION SHALL:**

3 **(I) PROVIDE FOR THE CONFIDENTIALITY OF PATIENTS AND**
4 **PHYSICIANS; AND**

5 **(II) BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING.**

6 **(E) (1) A PHYSICIAN WHO TERMINATES A PREGNANCY OR TREATS**
7 **COMPLICATIONS FROM A PREGNANCY TERMINATION OR AN ATTEMPTED**
8 **PREGNANCY TERMINATION AND FAILS TO SUBMIT THE REPORTS REQUIRED BY**
9 **SUBSECTIONS (A), (B), AND (C) OF THIS SECTION IS GUILTY OF**
10 **UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINARY ACTION**
11 **UNDER § 14-404 OF THE HEALTH OCCUPATIONS ARTICLE.**

12 **(2) AN INDIVIDUAL OTHER THAN A PHYSICIAN WHO WILLFULLY**
13 **VIOLATES THE REPORTING REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF**
14 **THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
15 **TO A FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.**

16 **(3) A HOSPITAL OR FACILITY THAT DOES NOT SUBMIT THE**
17 **REPORTS REQUIRED BY SUBSECTIONS (A) AND (B) OF THIS SECTION IS SUBJECT**
18 **TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.**

19 **(4) AN INDIVIDUAL WHO VIOLATES THE CONFIDENTIALITY**
20 **REQUIREMENTS OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**
21 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH**
22 **VIOLATION.**

23 **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT**
24 **THIS SECTION.**

25 **Article – Health Occupations**

26 14-404.

27 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board,
28 on the affirmative vote of a majority of the quorum, may reprimand any licensee, place
29 any licensee on probation, or suspend or revoke a license if the licensee:

30 (40) Fails to keep adequate medical records as determined by
31 appropriate peer review; [or]

1 (41) Performs a cosmetic surgical procedure in an office or a facility
2 that is not:

3 (i) Accredited by:

4 1. The American Association for Accreditation of
5 Ambulatory Surgical Facilities;

6 2. The Accreditation Association for Ambulatory Health
7 Care; or

8 3. The Joint Commission on the Accreditation of Health
9 Care Organizations; or

10 (ii) Certified to participate in the Medicare program, as enacted
11 by Title XVIII of the Social Security Act; **OR**

12 **(42) FAILS TO COMPLY WITH THE PROVISIONS OF § 20–217 OF THE**
13 **HEALTH – GENERAL ARTICLE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.