

Exhibit B

Procedures and Practices: Administrative Review of Correction of Findings and Conclusions

- Procedure

Except in a case of a finding of homicide, a person in interest as defined in § 4-101(g)(3) 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 60 days after the medical examiner files those findings and conclusions.

Within 60 days after receiving the request to correct findings and conclusions, the Chief Medical Examiner shall provide the person in interest written notice of the action taken.

If the Chief Medical Examiner denies the request to correct findings and conclusions on the cause of death, the person in interest may appeal the denial in writing within 15 days to the Secretary of Health. The Secretary shall refer the matter within 15 days of receipt to the Office of Administrative Hearings.

An administrative law judge shall conduct a hearing both on the denial and on the establishment of the findings and conclusions on the cause of death.

Upon reviewing the findings of fact submitted by an administrative law judge, the Secretary or the Secretary's designee shall issue an order within 60 days to:

- Adopt the findings of the administrative law judge; or
- Reject the findings of the administrative law judge and affirm the findings of the medical examiner.

If the Secretary or Secretary's designee rejects the findings of an administrative law judge, the person in interest may appeal that rejection to a circuit court of competent jurisdiction under Maryland law.

If the final decision of the Secretary or 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 the certificate to reflect the different finding or conclusion.

The medical examiner shall send a change letter to the Division of Vital Records to amend the certificate of death, to reflect the final decision of the Secretary or Secretary's designee, or a court of competent jurisdiction.

The final decision of the Secretary or the Secretary's designee, or of a court in an appeal under this regulation, 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.

- Notice

1. Website: The Office of the Chief Medical Examiner shall provide, on its official State of Maryland website, information about the procedure for requesting a correction of findings and conclusions on the cause and manner of death recorded on a certificate of death. The information shall reference Health-General Article § 5-310(d)(2) and Code of Maryland Regulations 10.35.01.13.
2. Autopsy Reports: The Office of the Chief Medical Examiner shall attach to autopsy reports issued to the public a notice that includes the following:

NOTICE OF RIGHT TO REQUEST CORRECTIONS TO FINDINGS AND CONCLUSIONS

Except in a case of a finding of homicide, a person in interest as defined in § 4-101(g)(3) of the General Provisions Article of the Annotated Code of Maryland may request the Office of the Chief 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 60 days after a medical examiner files those findings and conclusions.

A "person in interest" is the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

The request to correct the findings and conclusions on a death certificate shall:

1. **Be in writing to the Chief Medical Examiner;**
2. **Describe the requested change precisely; and**
3. **State the reasons for the change.**

The request to correct the findings and conclusions on a death certificate should be hand-delivered or delivered by certified mail, return receipt requested, to:

**Chief Medical Examiner
900 West Baltimore Street
Baltimore, Maryland 21223**

Within 60 days after receiving a request to correct findings and conclusions on a death certificate, the Chief Medical Examiner shall provide the person in interest written notice of the action taken.

If the Chief Medical Examiner denies the request to correct findings and conclusions on the cause of death, the person in interest may appeal the denial in writing to the Secretary of Health. The appeal must be received by the Secretary of Health within 15 days after the denial.

The appeal of the denial shall be sent to:

**Maryland Secretary of Health
Herbert R. O'Connor State
Office Building
201 W. Preston Street
Baltimore, MD 21201**

The Secretary of Health shall refer the matter within 15 days of receipt to the Office of Administrative Hearings.

For additional information, see Maryland Code Annotated, Health-General § 5-310(d)(2) and Code of Maryland Regulations 10.35.01.13.

References: Maryland Code Annotated, Health-General § 5-310(d)(2) and Code of Maryland Regulations 10.35.01.13.

Effective: [DATE]