

Circuit Court for Baltimore City
Case No.: C-24-CV-25-005677

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1432

September Term, 2025

MACHELLE A. WHITE-JOHNSON

v.

DIVISION OF VITAL RECORDS, et al.

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 29, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

On June 13, 2025, Machel A. White-Johnson, representing herself, filed a pleading in the Circuit Court for Baltimore City which she captioned “Verified Complaint and Petition to Amend Death Certificate.” She named Amir M. Alikhani, M.D. and the Division of Vital Records (Maryland Department of Health) as defendants. She alleged that Dr. Alikhani was the “certifying physician on Doris J. White’s death certificate and was involved in her care only during the final day and hours of her life.” Ms. White-Johnson further alleged that she is the decedent’s daughter and that her mother, born in 1944, died on September 7, 2023. She requested that the court order the Division of Vital Records, “in coordination with” Dr. Alikhani “or another authorized certifier, to amend the death certificate” of Ms. White to: “1. Reflect suspected morphine or opioid overdose as a cause or contributing factor of death; and 2. Include the administration of Naloxone (Narcan) prior to death.” Although the complaint lists several exhibits, including the death certificate and emergency room records, no exhibits were filed with the complaint.

Dr. Alikhani responded with a motion to dismiss for failure to state a claim. In his motion, Dr. Alikhani asserted that there is an administrative process within the Department of Health for seeking an amendment to a death certificate and Ms. White-Johnson’s complaint should be dismissed for failure to exhaust those administrative remedies. Ms. White-Johnson opposed the motion to dismiss, claiming that a court may order amendments to vital records. She did not allege that she had made any attempts to seek

the amendment she sought with the Division of Vital Records. By order entered on August 28, 2025, the court granted the motion to dismiss, with prejudice.¹

On appeal, Ms. White-Johnson asserts that the circuit court erred by dismissing her complaint and maintains that “Md. Health-Gen. § 4-212 expressly authorizes judicial amendment of death certificates.” Her citation, however, does not support that assertion. As he did in the circuit court, Dr. Alikhani responds that there is an administrative process to be followed for a person seeking to amend a vital record and if the request is denied, the applicant may appeal to the Office of Administrative Hearings.

We agree with Dr. Alikhani. Because less than three years has elapsed since the death of Ms. White,² Ms. White-Johnson should proceed via the administrative process

¹ When the court granted Dr. Alikhani’s motion to dismiss, there was no evidence in the circuit court’s record that the other named defendant, the Division of Vital Records, had been served or had entered its appearance in the case. Accordingly, the judgment in favor of Dr. Alikhani was a final judgment for appeal purposes. *See Turner v. Kight*, 406 Md. 167, 173 n.3 (2008) (“[A] ‘named defendant who has not been served is not a party for the purpose of determining a final judgment’” and “if the judgment entered by the court disposes of all claims against all persons over whom the court has acquired jurisdiction, the judgment is final without a certification under Rule 2-602(b).” Quoting *State Highway Admin. v. Kee*, 309 Md. 523, 529 (1987)). Based on the circuit court’s docket entries, months after Ms. White-Johnson noted the appeal in this case she filed an affidavit of service purporting to show that she had served her complaint on the Division of Vital Records by mailing a copy of it to an address in Baltimore. There was no indication, however, that she has served the complaint on the Maryland Attorney General as required when serving an agency of the State of Maryland. *See* Md. Rule 2-124(k).

² Health-General §4-214(b)(6) provides that, generally, “any amendments to death certificates requested beyond 3 years or more after the death shall require a court order.” “The Office of the Chief Medical Examiner,” however, “may amend the cause of death at any time after registration without a court order.” *Id.* Here, because there was no autopsy, the attending physician (Dr. Alikhani) and not the Chief Medical Examiner certified Ms. White’s death certificate.

which is initiated by filing a request for correction or amendment of the death certificate with the Department of Health, Division of Vital Records. *See* Health-General, § 4-214 (a) (A death certificate “may be amended only in accordance with this subtitle and any rules and regulations that the Secretary [of the Department of Health] adopts[.]”). *See also* COMAR 10.01.11.01 *et seq.* If the request is denied, upon a timely request for a hearing, Ms. White-Johnson could proceed with a hearing conducted by the Office of Administrative Hearings. COMAR 10.01.11.11; Health-General, § 4-214(b)(5) (when “the minimum documentation required in the regulations for amending a vital record” is not submitted or “when the Secretary [of the Department] has cause to question the validity or adequacy of the applicant’s sworn statements or the documentary evidence, and if the deficiencies are not corrected, the Secretary shall not amend the vital record and shall advise the applicant of the reason . . . and shall further advise the applicant of the right of appeal to the Office of Administrative Hearings.”)³ Any person aggrieved by the final decision following all administrative review, may file a timely petition for judicial review in the circuit court. COMAR 10.01.11.12.

³ It is true that the physician who signed the death certificate must certify to the Secretary “the facts necessitating the amendment” to the death certificate. COMAR 10.03.01.14. Ms. White-Johnson did not allege whether she had sought Dr. Alikhani’s cooperation in amending her mother’s death certificate. Assuming Dr. Alikhani’s lack of cooperation, the Secretary may deem the application deficient and, therefore, deny the request. In that instance, it appears that Ms. White-Johnson could then seek a hearing conducted by the Office of Administrative Hearings (“OAH”). If she were aggrieved by a decision rendered by the OAH, Ms. White-Johnson could then seek judicial review in the circuit court. COMAR 10.01.11.12.

Accordingly, because there were administrative remedies available and she failed to exhaust them, we hold that the circuit court did not err in dismissing Ms. White-Johnson's complaint.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**