

House ①



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SCS HCS HB 447

entitled:

AN ACT

To repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu thereof seven new sections relating to coroners.

With SA 1, SA 2, SA 3, SA 4

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse
Secretary of the Senate

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MAY 15 2019

CHIEF

SENATE AMENDMENT NO. 1

Offered by

Holsman

of

7thAmend SCS/HCS/House Bill No. 447, Page 1, Section Title, Line 3,

2 by striking the word "coroners" and inserting in lieu thereof the
 3 following: "the disposition of dead bodies"; and

4 Further amend said bill, page 18, section 193.265, line 74
 5 by inserting after all of said line the following:

6 "333.011. 1. As used in this chapter, unless the context
 7 requires otherwise, the following terms have the meanings
 8 indicated:

9 (1) "Board", the state board of embalmers and funeral
 10 directors created by this chapter;

11 (2) "Embalmer", any individual licensed to engage in the
 12 practice of embalming;

13 (3) "Funeral director", any individual licensed to engage
 14 in the practice of funeral directing;

15 (4) "Funeral establishment", a building, place, crematory,
 16 or premises devoted to or used in the care and preparation for
 17 burial or transportation of the human dead and includes every
 18 building, place or premises maintained for that purpose or held
 19 out to the public by advertising or otherwise to be used for that
 20 purpose;

21 (5) "Funeral merchandise", caskets, grave vaults,
 22 receptacles, and other personal property incidental to the final
 23 disposition of a dead human body, including grave markers,
 24 monuments, tombstones, and urns;

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 adopted "

1 (6) "Outdoor cremation", the cremation of a dead human body
2 that occurs outdoors in a licensed or permitted outdoor human
3 cremation facility;

4 (7) "Outdoor human cremation facility", a licensed or
5 permitted location that includes an outdoor funeral pyre with the
6 ability to utilize a heating process to reduce a dead human body
7 to bone fragments through heat and evaporation;

8 (8) "Person", any individual, partnership, corporation,
9 cooperative, association, or other entity;

10 [(7)] (9) "Practice of embalming", the work of preserving,
11 disinfecting and preparing by arterial embalming, including the
12 chemical preparation of a dead human body for disposition.
13 Practice of embalming includes all activities leading up to and
14 including arterial and cavity embalming, including but not
15 limited to raising of vessels and suturing of incisions of dead
16 human bodies for funeral services, transportation, burial or
17 cremation, or the holding of oneself out as being engaged in such
18 work;

19 [(8)] (10) "Practice of funeral directing", engaging by an
20 individual in the business of preparing, otherwise than by
21 embalming, for the burial, disposal or transportation out of this
22 state of, and the directing and supervising of the burial or
23 disposal of, dead human bodies or engaging in the general
24 control, supervision or management of the operations of a funeral
25 establishment;

26 [(9)] (11) "Preneed agent", any person authorized to sell a
27 preneed contract for or on behalf of a seller;

28 [(10)] (12) "Provider", the person designated or obligated
29 to provide the final disposition, funeral, or burial services or

1 facilities, or funeral merchandise described in a preneed
2 contract;

3 [(11)] (13) "Seller", the person who executes a preneed
4 contract with a purchaser and who is obligated under such preneed
5 contract to remit payment to the provider.

6 2. All terms defined in sections 436.400 to 436.520 shall
7 be deemed to have the same meaning when used in this chapter.

8 333.072. 1. An outdoor cremation facility shall comply
9 with all local, state, and federal laws to ensure public health
10 and safety.

11 2. Any licensed funeral establishment may include an
12 outdoor cremation facility provided such facility complies with
13 the provisions of this chapter and any regulations related to
14 funeral establishments.

15 3. For each outdoor cremation, the funeral establishment
16 shall apply to the board for a permit to perform an outdoor
17 cremation at an outdoor human cremation facility. The board
18 shall create an application form, which shall include:

19 (1) The name and address of the licensed funeral
20 establishment;

21 (2) The name, license number, and signature of the funeral
22 director that will be conducting the cremation;

23 (3) The name of the deceased;

24 (4) The date of death of the deceased;

25 (5) The name, address, and signature of the person
26 exercising the right of sepulcher over the body of the deceased
27 consenting to the outdoor cremation, or a written and signed
28 authorization for outdoor cremation signed by the deceased prior
29 to death;

1 (6) The address and written consent of the property owner
2 or the person with the right of possession of the property where
3 the outdoor cremation is to be performed;

4 (7) The date range, not to exceed one week, in which the
5 outdoor cremation will take place;

6 (8) Evidence that the intended outdoor human cremation
7 facility has the capacity to complete the cremation of a dead
8 human body;

9 (2) A fee established by the board by rule; and

10 (3) Evidence of compliance with local, state, and federal
11 laws related to public health and safety for the location of the
12 facility.

13 4. The application for a permit shall be completed and
14 filed at least three days prior to the date of the outdoor
15 cremation.

16 5. The funeral establishment shall provide written notice
17 to the applicable local law enforcement agency at least twenty-
18 four hours in advance of any outdoor cremation. Such notice
19 shall include the date, location, and approximate time of the
20 outdoor cremation, the name and contact information of the
21 funeral director performing the outdoor cremation, and a copy of
22 the permit from the board to perform the outdoor cremation. The
23 funeral establishment must maintain a copy of such written notice
24 in its records.

25 6. The board may inspect any location proposed for an
26 outdoor cremation facility to ensure compliance with the
27 provisions of chapters 333 and 436 and their accompanying
28 regulations.

29 7. A licensed funeral director, or his or her designee,

1 shall be present to supervise any cremation conducted at an
2 outdoor cremation facility.

3 9. The board is hereby authorized to promulgate rules and
4 regulations for establishing and regulating outdoor human
5 cremation facilities. Any rule or portion of a rule, as that
6 term is defined in section 536.010 that is created under the
7 authority delegated in this section shall become effective only
8 if it complies with and is subject to all of the provisions of
9 chapter 536, and, if applicable, section 536.028. This section
10 and chapter 536 are nonseverable and if any of the powers vested
11 with the general assembly pursuant to chapter 536, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2019,
15 shall be invalid and void."; and

16 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 2Offered by Holsman of JacksonAmend SCS/HCS/House Bill No. 447, Page 1, Section title, Line 3,

2 of the title, by striking "coroners" and inserting in lieu
3 thereof the following: "the deceased"; and

4 Further amend said bill, page 12, section 193.145, line 22
5 by inserting immediately after "193.265." an opening bracket "[";
6 and further amend line 28, by inserting at the end of said line a
7 closing bracket "]; and

8 Further amend said bill and section, page 13, line 48, by
9 inserting immediately after "certification" the following: "and
10 attestation"; and further amend line 49, by inserting immediately
11 after "certification" the following: "and attestation"; and

12 Further amend said bill and section, page 14, line 68, by
13 inserting immediately after "information" the following: "and
14 attestation"; and further amend line 71, by inserting immediately
15 after "data" the following: "and attestation"; and further amend
16 line 73, by inserting immediately after "certification" the
17 following: "and attestation"; and

18 Further amend said bill and section, page 15, line 111, by
19 striking "(1)"; and further amend lines 116-122, by striking all
20 of said lines; and

21 Further amend said bill, page 17, section 193.265, line 72,
22 by inserting immediately after "records." the following: "In the
23 event that it is determined by the state registrar that any
24 required information from any data provider was missing or

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1 incomplete on records or documentation that were filed with or
2 submitted to the local registrar and then sent to the state
3 registrar, the state registrar shall return the records or
4 documentation to the local registrar so that the data provider,
5 funeral director, or person in charge of the final disposition,
6 can provide the missing or incomplete information. Nothing in
7 this subsection removes any requirement in any statute or
8 regulation as to when an affidavit or court order is necessary to
9 amend a death certificate that has been issued."; and

10 Further amend said bill, page 18, section 193.265, line 74,
11 by inserting after all of said line the following:

12 "194.119. 1. As used in this section, the term "right of
13 sepulcher" means the right to choose and control the burial,
14 cremation, or other final disposition of a dead human body.

15 2. For purposes of this chapter and chapters 193, 333, and
16 436, and in all cases relating to the custody, control, and
17 disposition of deceased human remains, including the common law
18 right of sepulcher, where not otherwise defined, the term
19 "next-of-kin" means the following persons in the priority listed
20 if such person is eighteen years of age or older, is mentally
21 competent, and is willing to assume responsibility for the costs
22 of disposition:

23 (1) An attorney in fact designated in a durable power of
24 attorney wherein the deceased specifically granted the right of
25 sepulcher over his or her body to such attorney in fact;

26 (2) For a decedent who was on active duty in the United
27 States military at the time of death, the person designated by
28 such decedent in the written instrument known as the United
29 States Department of Defense Form 93, Record of Emergency Data,

1 in accordance with [P.L. 109-163, Section 564,] 10 U.S.C. Section
2 1482;

3 (3) The surviving spouse, unless an action for the
4 dissolution of the marriage has been filed and is pending in a
5 court of competent jurisdiction;

6 (4) Any surviving child of the deceased. If a surviving
7 child is less than eighteen years of age and has a legal or
8 natural guardian, such child shall not be disqualified on the
9 basis of the child's age and such child's legal or natural
10 guardian, if any, shall be entitled to serve in the place of the
11 child unless such child's legal or natural guardian was subject
12 to an action in dissolution from the deceased. In such event the
13 person or persons who may serve as next-of-kin shall serve in the
14 order provided in subdivisions (5) to (9) of this subsection;

15 (5) (a) Any surviving parent of the deceased; or

16 (b) If the deceased is a minor, a surviving parent who has
17 custody of the minor; or

18 (c) If the deceased is a minor and the deceased's parents
19 have joint custody, the parent whose residence is the minor
20 child's residence for purposes of mailing and education;

21 (6) Any surviving sibling of the deceased;

22 (7) The next nearest surviving relative of the deceased by
23 consanguinity or affinity;

24 (8) Any person or friend who assumes financial
25 responsibility for the disposition of the deceased's remains if
26 no next-of-kin assumes such responsibility;

27 (9) The county coroner or medical examiner; provided
28 however that such assumption of responsibility shall not make the
29 coroner, medical examiner, the county, or the state financially

1 responsible for the cost of disposition.

2 3. The next-of-kin of the deceased shall be entitled to
3 control the final disposition of the remains of any dead human
4 being consistent with all applicable laws, including all
5 applicable health codes. The next-of-kin may delegate the
6 control of the final disposition of the remains of any dead human
7 being to an agent through either a specific or general grant of
8 power in accordance with section 404.710 if, at the time of
9 delegation, the next-of-kin was eighteen years of age or older
10 and mentally competent and the principal or agent is taking
11 financial responsibility for the disposition.

12 4. A funeral director or establishment is entitled to rely
13 on and act according to the lawful instructions of any person
14 claiming to be the next-of-kin of the deceased; provided however,
15 in any civil cause of action against a funeral director or
16 establishment licensed pursuant to this chapter for actions taken
17 regarding the funeral arrangements for a deceased person in the
18 director's or establishment's care, the relative fault, if any,
19 of such funeral director or establishment may be reduced if such
20 actions are taken in reliance upon a person's claim to be the
21 deceased person's next-of-kin.

22 5. Any person who desires to exercise the right of
23 sepulcher and who has knowledge of an individual or individuals
24 with a superior right to control disposition shall notify such
25 individual or individuals prior to making final arrangements.

26 6. If an individual with a superior claim is [personally
27 served with written notice from] notified in person or by written
28 notice with delivery confirmation to such person's last known
29 address by a person with an inferior claim that such person

1 desires to exercise the right of sepulcher and the individual so
2 served does not object within forty-eight hours of [receipt] such
3 notice, such individual shall be deemed to have waived such
4 right. An individual with a superior right may also waive such
5 right at any time if such waiver is in writing and dated.

6 7. If there is more than one person in a class who are
7 equal in priority and the funeral director has no knowledge of
8 any objection by other members of such class, the funeral
9 director or establishment shall be entitled to rely on and act
10 according to the instructions of the first such person in the
11 class to make arrangements; provided that such person assumes
12 responsibility for the costs of disposition and no other person
13 in such class provides written notice of his or her objection.
14 If the funeral director has knowledge that there is more than one
15 person in a class who are equal in priority and who do not agree
16 on the disposition, the decision of the majority of the members
17 of such class shall control the disposition.

18 8. For purposes of conducting a majority vote under
19 subsection 7 of this section, the funeral director shall allow
20 voting by proxy using a written authorization or instrument.";
21 and

22 Further amend the title and enacting clause accordingly.

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SENATE AMENDMENT NO. 3

Offered by Riddle of 10

Amend Ses/HCS/Hwa Bill No. 447, Page 18, Section 193.265, Line 74,

by inserting immediately after said line the following:

"210.192. 1. The prosecuting attorney or the circuit attorney shall impanel a child fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth. The panel shall be formed and shall operate according to the rules, guidelines and protocols provided by the department of social services.

2. The panel shall include, but shall not be limited to, the following:

(1) The prosecuting or circuit attorney;

(2) The coroner or medical examiner for the county or city not within a county;

(3) Law enforcement personnel in the county or city not within a county;

(4) A representative from the children's division;

(5) A provider of public health care services;

(6) A representative of the juvenile court;

(7) A provider of emergency medical services.

3. The prosecuting or circuit attorney shall organize the

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1 panel and shall call the first organizational meeting of the
2 panel. The panel shall elect a chairman who shall convene the
3 panel to meet to review all deaths of children under the age of
4 eighteen years, who are eligible to receive a certificate of live
5 birth, which meet guidelines for review as set forth by the
6 department of social services. In addition, the panel may review
7 at its own discretion any child death reported to it by the
8 medical examiner or coroner, even if it does not meet criteria
9 for review as set forth by the department. The panel shall issue
10 a final report, which shall be a public record, of each
11 investigation to the department of social services, state
12 technical assistance team and to the director of the department
13 of health and senior services. The final report shall include a
14 completed summary report form. The form shall be developed by
15 the director of the department of social services in consultation
16 with the director of the department of health and senior
17 services. [The department of health and senior services shall
18 analyze the child fatality review panel reports and periodically
19 prepare epidemiological reports which describe the incidence,
20 causes, location and other factors pertaining to childhood
21 deaths.] The department of health and senior services and
22 department of social services shall make recommendations and
23 develop programs to prevent childhood injuries and deaths.

24 4. The child fatality review panel shall enjoy such
25 official immunity as exists at common law.

26 210.194. 1. The director of the department of social
27 services, in consultation with the director of the department of
28 health and senior services, shall promulgate rules, guidelines
29 and protocols for child fatality review panels established

1 pursuant to section 210.192 and for state child fatality review
2 panels.

3 2. The director shall promulgate guidelines and protocols
4 for coroner and medical examiners to use to help them to identify
5 suspicious deaths of children under the age of eighteen years,
6 who are eligible to receive a certificate of live birth.

7 3. No rule or portion of a rule promulgated under the
8 authority of sections 210.192 to 210.196 shall become effective
9 unless it has been promulgated pursuant to the provisions of
10 section 536.024.

11 4. All meetings conducted[, all reports and records] and
12 work product, including internal memoranda, summaries or minutes
13 of meetings, and written, audio, or electronic records and
14 communications, made and maintained pursuant to sections 210.192
15 to 210.196 by the department of social services and department of
16 health and senior services and its divisions, including the state
17 technical assistance team, or other appropriate persons,
18 officials, or state child fatality review panel and local child
19 fatality review panel shall be confidential [and shall not be
20 open to the general public except for the annual report pursuant
21 to section 210.195], unless otherwise provided in this
22 subsection, section 210.150, section 210.195, or section 660.520.
23 The state technical assistance team shall make nonidentifiable,
24 aggregate data on child fatalities publicly available.
25 Identifiable data shall be released at the discretion of the
26 director of the department of social services, except for any
27 data that was obtained only from birth or death certificate
28 records provided by the department of health and senior services.
29 In those cases, the release of identifiable data shall be at the

1 discretion of the state registrar.

2 210.195. 1. The director of the department of social
3 services shall establish a special team which shall:

4 (1) Develop and implement protocols for the evaluation and
5 review of child fatalities;

6 (2) Provide training, expertise and assistance to county
7 child fatality review panels for the review of child fatalities;

8 (3) When required and unanimously requested by the county
9 fatality review panel, assist in the review and prosecution of
10 specific child fatalities; and

11 (4) The special team may be known as the department of
12 social services, state technical assistance team.

13 2. The director of the department of social services shall
14 appoint regional coordinators to serve as resources to child
15 fatality review panels established pursuant to section 210.192.

16 3. The director of the department of social services shall
17 appoint a state child fatality review panel which shall meet at
18 least biannually to provide oversight and make recommendations to
19 the department of social services, state technical assistance
20 team. The department of social services, state technical
21 assistance team shall gather data from local child fatality
22 review panels to identify systemic problems and shall submit
23 findings and recommendations to the director of the department of
24 social services, the governor, the speaker of the house of
25 representatives, the president pro tempore of the senate, the
26 children's services commission, juvenile officers, and the
27 chairman of the local child fatality review panel, at least once
28 a year, on ways to prevent further child abuse and injury deaths.
29 The report shall include a summary of compliance with the

1 provisions of sections 210.192 to 210.196 for each county or city
2 not within a county."; and

3 Further amend the title and enacting clause accordingly.

4

SENATE AMENDMENT NO. 4Offered by Schupp of 24Amend SCS/HCS/House Bill No. 447, Page 12, Section 58.720, Line 102,

2 by inserting after all of said line the following:

3 "192.067. 1. The department of health and senior services,
4 for purposes of conducting epidemiological studies to be used in
5 promoting and safeguarding the health of the citizens of Missouri
6 under the authority of this chapter is authorized to receive
7 information from patient medical records. The provisions of this
8 section shall also apply to the collection, analysis, and
9 disclosure of nosocomial infection data from patient records
10 collected pursuant to section 192.667 and to the collection of
11 data under section 192.990.

12 2. The department shall maintain the confidentiality of all
13 medical record information abstracted by or reported to the
14 department. Medical information secured pursuant to the
15 provisions of subsection 1 of this section may be released by the
16 department only in a statistical aggregate form that precludes
17 and prevents the identification of patient, physician, or medical
18 facility except that medical information may be shared with other
19 public health authorities and coinvestigators of a health study
20 if they abide by the same confidentiality restrictions required
21 of the department of health and senior services and except as
22 otherwise authorized by the provisions of sections 192.665 to
23 192.667, or section 192.990. The department of health and senior
24 services, public health authorities and coinvestigators shall use
25 the information collected only for the purposes provided for in

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1 this section [and], section 192.667, or section 192.990.

2 3. No individual or organization providing information to
3 the department in accordance with this section shall be deemed to
4 be or be held liable, either civilly or criminally, for divulging
5 confidential information unless such individual organization
6 acted in bad faith or with malicious purpose.

7 4. The department of health and senior services is
8 authorized to reimburse medical care facilities, within the
9 limits of appropriations made for that purpose, for the costs
10 associated with abstracting data for special studies.

11 5. Any department of health and senior services employee,
12 public health authority or coinvestigator of a study who
13 knowingly releases information which violates the provisions of
14 this section shall be guilty of a class A misdemeanor and, upon
15 conviction, shall be punished as provided by law.

16 192.990. 1. There is hereby established within the
17 department of health and senior services the "Pregnancy-
18 Associated Mortality Review Board" to improve data collection and
19 reporting with respect to maternal deaths. The department may
20 collaborate with localities and with other states to meet the
21 goals of the initiative.

22 2. For purposes of this section, the following terms shall
23 mean:

24 (1) "Department", the Missouri department of health and
25 senior services;

26 (2) "Maternal death", the death of a woman while pregnant
27 or during the one-year period following the date of the end of
28 pregnancy, regardless of the cause of death and regardless of
29 whether a delivery, miscarriage, or death occurs inside or

1 outside of a hospital.

2 3. The board shall be composed of no more than eighteen
3 members, with a chair elected from among its membership. The
4 board shall meet at least twice per year and shall approve the
5 strategic priorities, funding allocations, work processes, and
6 products of the board. Members of the board shall be appointed
7 by the director of the department. Members shall serve four-year
8 terms, except that the initial terms shall be staggered so that
9 approximately one-third serve three, four, and five-year terms.

10 4. The board shall have a multidisciplinary and diverse
11 membership that represents a variety of medical and nursing
12 specialties, including, but not limited to, obstetrics and
13 maternal-fetal care, as well as state or local public health
14 officials, epidemiologists, statisticians, community
15 organizations, geographic regions, and other individuals or
16 organizations that are most affected by maternal deaths and lack
17 of access to maternal health care services.

18 5. The duties of the board shall include, but not be
19 limited to:

20 (1) Conducting ongoing comprehensive, multidisciplinary
21 reviews of all maternal deaths;

22 (2) Identifying factors associated with maternal deaths;

23 (3) Reviewing medical records and other relevant data,
24 which shall include, to the extent available:

25 (a) A description of the maternal deaths determined by
26 matching each death record of a maternal death to a birth
27 certificate of an infant or fetal death record, as applicable,
28 and an indication of whether the delivery, miscarriage, or death
29 occurred inside or outside of a hospital;

1 (b) Data collected from medical examiner and coroner
2 reports, as appropriate; and

3 (c) Using other appropriate methods or information to
4 identify maternal deaths, including deaths from pregnancy
5 outcomes not identified under paragraph (a) of this subdivision;

6 (4) Consulting with relevant experts, as needed;

7 (5) Analyzing cases to produce recommendations for reducing
8 maternal mortality;

9 (6) Disseminating recommendations to policy makers, health
10 care providers and facilities, and the general public;

11 (7) Recommending and promoting preventative strategies and
12 making recommendations for systems changes;

13 (8) Protecting the confidentiality of the hospitals and
14 individuals involved in any maternal deaths;

15 (9) Examining racial and social disparities in maternal
16 deaths;

17 (10) Subject to appropriation, providing for voluntary and
18 confidential case reporting of maternal deaths to the appropriate
19 state health agency by family members of the deceased, and other
20 appropriate individuals, for purposes of review by the board;

21 (11) Making publicly available the contact information of
22 the board for use in such reporting;

23 (12) Conducting outreach to local professional
24 organizations, community organizations, and social services
25 agencies regarding the availability of the review board; and

26 (13) Ensuring that data collected under this section is
27 made available, as appropriate and practicable, for research
28 purposes, in a manner that protects individually identifiable or
29 potentially identifiable information and that is consistent with

1 state and federal privacy laws.

2 6. The board may contract with other entities consistent
3 with the duties of the board.

4 7. (1) Before June 30, 2020, and annually thereafter, the
5 board shall submit to the Director of the Centers for Disease
6 Control and Prevention, the director of the department, the
7 governor, and the general assembly a report on maternal mortality
8 in the state based on data collected through ongoing
9 comprehensive, multidisciplinary reviews of all maternal deaths,
10 and any other projects or efforts funded by the board. The data
11 shall be collected using best practices to reliably determine and
12 include all maternal deaths, regardless of the outcome of the
13 pregnancy and shall include data, findings, and recommendations
14 of the committee, and, as applicable, information on the
15 implementation during such year of any recommendations submitted
16 by the board in a previous year.

17 (2) The report shall be made available to the public on the
18 department's website and the director shall disseminate the
19 report to all health care providers and facilities that provide
20 women's health services in the state.

21 8. The director of the department, or his or her designee,
22 shall provide the board with the copy of the death certificate
23 and any linked birth or fetal death certificate for any maternal
24 death occurring within the state.

25 9. Upon request by the department, health care providers,
26 health care facilities, clinics, laboratories, medical examiners,
27 coroners, law enforcement agencies, driver's license bureaus,
28 other state agencies, and facilities licensed by the department
29 shall provide to the department data related to maternal deaths

1 from sources such as medical records, autopsy reports, medical
2 examiner's reports, coroner's reports, law enforcement reports,
3 motor vehicle records, social services records, and other sources
4 as appropriate. Such data requests shall be limited to maternal
5 deaths which have occurred within the previous twenty-four
6 months. No entity shall be held liable for civil damages or be
7 subject to any criminal or disciplinary action when complying in
8 good faith with a request from the department for information
9 under the provisions of this subsection.

10 10. (1) The board shall protect the privacy and
11 confidentiality of all patients, decedents, providers, hospitals,
12 or any other participants involved in any maternal deaths. In no
13 case shall any individually identifiable health information be
14 provided to the public or submitted to an information
15 clearinghouse.

16 (2) Nothing in this subsection shall prohibit the board or
17 department from publishing statistical compilations and research
18 reports that:

19 (a) Are based on confidential information relating to
20 mortality reviews under this section; and

21 (b) Do not contain identifying information or any other
22 information that could be used to ultimately identify the
23 individuals concerned.

24 (3) Information, records, reports, statements, notes,
25 memoranda, or other data collected under this section shall not
26 be admissible as evidence in any action of any kind in any court
27 or before any other tribunal, board, agency, or person. Such
28 information, records, reports, notes, memoranda, data obtained by
29 the department or any other person, statements, notes, memoranda,

1 or other data shall not be exhibited nor their contents disclosed
2 in any way, in whole or in part, by any officer or representative
3 of the department or any other person. No person participating
4 in such review shall disclose, in any manner, the information so
5 obtained except in strict conformity with such review project.
6 Such information shall not be subject to disclosure under chapter
7 610.

8 (4) All information, records of interviews, written
9 reports, statements, notes, memoranda, or other data obtained by
10 the department, the board, and other persons, agencies, or
11 organizations so authorized by the department under this section
12 shall be confidential.

13 (5) All proceedings and activities of the board, opinions
14 of members of such board formed as a result of such proceedings
15 and activities, and records obtained, created, or maintained
16 under this section, including records of interviews, written
17 reports, statements, notes, memoranda, or other data obtained by
18 the department or any other person, agency, or organization
19 acting jointly or under contract with the department in
20 connection with the requirements of this section, shall be
21 confidential and shall not be subject to subpoena, discovery, or
22 introduction into evidence in any civil or criminal proceeding;
23 provided, however, that nothing in this section shall be
24 construed to limit or restrict the right to discover or use in
25 any civil or criminal proceeding anything that is available from
26 another source and entirely independent of the board's
27 proceedings.

28 (6) Members of the board shall not be questioned in any
29 civil or criminal proceeding regarding the information presented

1 in or opinions formed as a result of a meeting or communication
2 of the board; provided, however, that nothing in this section
3 shall be construed to prevent a member of the board from
4 testifying to information obtained independently of the board or
5 which is public information.

6 11. The department may use grant program funds to support
7 the efforts of the board and may apply for additional federal
8 government and private foundation grants as needed. The
9 department may also accept private, foundation, city, county, or
10 federal moneys to implement the provisions of this section."; and

11 Further amend the title and enacting clause accordingly.