

FIRST REGULAR SESSION

HOUSE BILL NO. 613

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

0757H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 192.990, RSMo, and to enact in lieu thereof one new section relating to duties of the pregnancy-associated mortality review board.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 192.990, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.990, to read as follows:

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

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

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

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

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

4. The board shall have a multidisciplinary and diverse membership that represents a variety of medical and nursing specialties, including, but not limited to, obstetrics and

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 maternal-fetal care, as well as state or local public health officials, epidemiologists,
19 statisticians, community organizations, geographic regions, and other individuals or
20 organizations that are most affected by maternal deaths and lack of access to maternal
21 health care services.

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

23 (1) Conducting ongoing comprehensive, multidisciplinary reviews of all maternal
24 deaths;

25 (2) Identifying factors associated with maternal deaths;

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

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

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

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

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

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

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

40 (7) Recommending and promoting preventative strategies and making
41 recommendations for systems changes;

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

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

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

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

50 (12) Conducting outreach to local professional organizations, community
51 organizations, and social services agencies regarding the availability of the review board;
52 ~~and~~

53 (13) Ensuring that data collected under this section is made available, as appropriate
54 and practicable, for research purposes, in a manner that protects individually identifiable or

55 potentially identifiable information and that is consistent with state and federal privacy laws;
56 **and**

57 **(14) Considering the role of race, ethnicity, language, poverty, literacy, and other**
58 **social determinants of health, including racism at the interpersonal and system levels,**
59 **when conducting multidisciplinary reviews of severe maternal morbidity, mortality, and**
60 **other clinically important metrics.**

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

62 7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the
63 Director of the Centers for Disease Control and Prevention, the director of the department, the
64 governor, and the general assembly a report on maternal mortality in the state based on data
65 collected through ongoing comprehensive, multidisciplinary reviews of all maternal deaths,
66 and any other projects or efforts funded by the board. The data shall be collected using best
67 practices to reliably determine and include all maternal deaths, regardless of the outcome of
68 the pregnancy and shall include data, findings, and recommendations of the committee, and,
69 as applicable, information on the implementation during such year of any recommendations
70 submitted by the board in a previous year.

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

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

77 9. Upon request by the department, health care providers, health care facilities,
78 clinics, laboratories, medical examiners, coroners, law enforcement agencies, driver's license
79 bureaus, other state agencies, and facilities licensed by the department shall provide to the
80 department data related to maternal deaths from sources such as medical records, autopsy
81 reports, medical examiner's reports, coroner's reports, law enforcement reports, motor vehicle
82 records, social services records, and other sources as appropriate. Such data requests shall be
83 limited to maternal deaths which have occurred within the previous twenty-four months. No
84 entity shall be held liable for civil damages or be subject to any criminal or disciplinary action
85 when complying in good faith with a request from the department for information under the
86 provisions of this subsection.

87 10. (1) The board shall protect the privacy and confidentiality of all patients,
88 decedents, providers, hospitals, or any other participants involved in any maternal deaths. In
89 no case shall any individually identifiable health information be provided to the public or
90 submitted to an information clearinghouse.

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

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

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

97 (3) Information, records, reports, statements, notes, memoranda, or other data
98 collected under this section shall not be admissible as evidence in any action of any kind in
99 any court or before any other tribunal, board, agency, or person. Such information, records,
100 reports, notes, memoranda, data obtained by the department or any other person, statements,
101 notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any
102 way, in whole or in part, by any officer or representative of the department or any other
103 person. No person participating in such review shall disclose, in any manner, the information
104 so obtained except in strict conformity with such review project. Such information shall not
105 be subject to disclosure under chapter 610.

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

109 (5) All proceedings and activities of the board, opinions of members of such board
110 formed as a result of such proceedings and activities, and records obtained, created, or
111 maintained under this section, including records of interviews, written reports, statements,
112 notes, memoranda, or other data obtained by the department or any other person, agency, or
113 organization acting jointly or under contract with the department in connection with the
114 requirements of this section, shall be confidential and shall not be subject to subpoena,
115 discovery, or introduction into evidence in any civil or criminal proceeding; provided,
116 however, that nothing in this section shall be construed to limit or restrict the right to discover
117 or use in any civil or criminal proceeding anything that is available from another source and
118 entirely independent of the board's proceedings.

119 (6) Members of the board shall not be questioned in any civil or criminal proceeding
120 regarding the information presented in or opinions formed as a result of a meeting or
121 communication of the board; provided, however, that nothing in this section shall be
122 construed to prevent a member of the board from testifying to information obtained
123 independently of the board or which is public information.

124 11. The department may use grant program funds to support the efforts of the board
125 and may apply for additional federal government and private foundation grants as needed.
126 The department may also accept private, foundation, city, county, or federal moneys to
127 implement the provisions of this section.