
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 324, Hawaii Revised Statutes, is
2 amended by adding six new sections to part I to be appropriately
3 designated and to read as follows:

4 "§324-A Definitions. As used in this part, unless the
5 context requires otherwise:

6 "Department" means the department of health.

7 "Director" means the director of health.

8 "Maternal mortality" means the following:

9 (1) "Pregnancy-related death" means the death of a woman
10 while pregnant or within one year of the end of the
11 pregnancy, irrespective of the duration and site of
12 the pregnancy, from any cause related to or aggravated
13 by her pregnancy or its management, but not from
14 accidental or incidental causes;

15 (2) "Pregnancy-associated death" means the death of a
16 woman while pregnant or within one year of the end of
17 pregnancy, irrespective of cause; and



1 (3) "Pregnancy-associated, but not pregnancy-related
2 death" means the death of a woman while pregnant or
3 within one year of the end of pregnancy due to a cause
4 unrelated to pregnancy.

5 §324-B Maternal mortality review panel; established. (a)

6 There is established a maternal mortality review panel to
7 conduct comprehensive, multidisciplinary reviews of maternal
8 deaths in Hawaii for the purposes of identifying factors
9 associated with the deaths and making recommendations for system
10 changes to improve health care services for women in this State.

11 The members of the maternal mortality review panel shall be
12 appointed by the director, in collaboration with the
13 organizations listed below, and shall consist of:

14 (1) Two members from the Hawaii Section of the American
15 Congress of Obstetricians and Gynecologists, one of
16 whom shall be a generalist and one of whom shall be a
17 maternal fetal medicine specialist;

18 (2) One member from the Hawaii Chapter of the American
19 Academy of Pediatrics, specializing in neonatology;

20 (3) One member from the Hawaii Medical Association;

21 (4) One member from the Hawaii Chapter of the American
22 College of Nurse Midwives;



- 1 (5) One member from the Hawaii Section of the Association
- 2 of Women's Health, Obstetric and Neonatal Nurses;
- 3 (6) The head of the department of health's maternal and
- 4 child health branch, or a designee;
- 5 (7) An epidemiologist from the department of health with
- 6 experience analyzing perinatal data, or a designee;
- 7 (8) The chief medical examiner, pathologist, or designee;
- 8 (9) A representative of community mental health centers;
- 9 and
- 10 (10) A member of the public.

11 Additional members with specific expertise shall be added
12 by the director as necessary.

13 (b) The term of each member shall be three years; provided
14 that the member's terms shall be staggered. The director of
15 health shall appoint the initial chair of the maternal mortality
16 review panel, who shall call the first meeting of the panel and
17 serve as chair for six months, after which time the panel shall
18 elect its chair. Members of the maternal mortality review panel
19 shall serve without compensation but shall be reimbursed for
20 actual expenses necessary for the performance of their duties.

21 (c) The director may delegate to the maternal mortality
22 review panel the functions of collecting, analyzing, and



1 disseminating maternal mortality information; organizing and
2 convening meetings of the panel; and such other substantive and
3 administrative tasks as may be incident to these activities.
4 The activities of the maternal mortality review panel and its
5 employees or agents shall be subject to the same confidentiality
6 provisions as apply to members of the panel.

7 §324-C Duties of the maternal mortality review panel. (a)

8 The maternal mortality review panel, in collaboration with the
9 director or the director's designee, shall conduct
10 comprehensive, multidisciplinary reviews of maternal mortality
11 in Hawaii.

12 (b) Each member of the maternal mortality review panel
13 shall be responsible for disseminating the panel's
14 recommendations to the member's institution or professional
15 organization, as applicable. This information shall be
16 disseminated through the institution's or organization's quality
17 assurance program in order to protect the confidentiality of all
18 participants and patients involved in any incident.

19 (c) The director, in collaboration with the maternal
20 mortality review panel, shall submit an annual report no later
21 than twenty days prior to the convening of each regular session
22 to the chairs of the senate and house committees on health on

1 the panel's activities and the incidents of maternal deaths in
2 the State. The report shall include statistics setting forth
3 the number of maternal deaths in the State, identifiable trends
4 in maternal deaths, including possible causes, and
5 recommendations for system changes and proposed legislation
6 relating to the delivery of health care in the State.

7 (d) The maternal mortality review panel shall not have the
8 power to:

- 9 (1) Call witnesses or take testimony from any individual
10 involved in the investigation of a maternal death; or
11 (2) Enforce any public health standard or criminal law, or
12 otherwise participate in any legal proceeding, except
13 to the extent that a member of the panel is involved
14 in the investigation of a maternal death or resulting
15 prosecute and must participate in the legal proceeding
16 in the course of performing the member's duties
17 outside of the panel.

18 **§324-D Confidentiality.** (a) Unless otherwise provided in
19 law, the maternal mortality review panel's proceedings, records,
20 and opinions shall be confidential and shall not be subject to
21 inspection, review, discovery, subpoena, or introduction into
22 evidence at any civil or criminal proceeding; provided that

1 nothing in this subsection shall be construed to limit or
2 restrict the right to discover or use in any civil or criminal
3 proceeding any material that is available from another source
4 and entirely independent from the panel's proceedings, records,
5 and opinions.

6 (b) Unless otherwise required by law, members of the
7 maternal mortality review panel shall not be questioned in any
8 civil or criminal proceeding regarding information presented in
9 or opinions formed during a meeting of the panel; provided that
10 nothing in this subsection shall be construed to prevent a
11 member of the panel from testifying on information obtained
12 independently of the panel or which is public information.

13 **§324-E Information related to maternal mortality.** (a)
14 Health care providers, health care facilities, clinic,
15 laboratories, medical records departments, and state offices,
16 agencies, and departments shall report all incidents of maternal
17 mortality to the director and the maternal mortality review
18 panel.

19 (b) The director may acquire information described in
20 subsection (a) from health care facilities, maternal mortality
21 review programs, and other sources in any state to ensure that



1 the panel's records of Hawaii maternal mortality cases are
2 accurate and complete.

3 (c) The director shall have access to individually
4 identifiable information relating to the occurrence of maternal
5 mortality on a case-by-case basis where public health is at
6 risk.

7 (d) The director may retain identifiable information
8 regarding facilities where a maternal mortality event occurred
9 and geographic information on each event solely for the purposes
10 of trending and analysis of maternal mortality events over time.
11 All individually identifiable information on individuals shall
12 be removed prior to any case review by the maternal mortality
13 review panel.

14 (e) The chair of the maternal mortality review panel shall
15 not acquire or retain any individually identifiable information.

16 (f) If a root cause analysis of a maternal mortality event
17 has been completed, the findings of such analysis shall be
18 included in the records supplied to the maternal mortality
19 review panel.

20 (g) As used in this section, "individually identifiable
21 information" includes vital records; hospital discharge data;
22 prenatal, fetal, pediatric, or infant medical records; hospital



1 or clinic records; laboratory reports; records of fetal deaths
2 or induced terminations of pregnancies; and autopsy reports.

3 §324-F Rules. The director, with the advice and
4 recommendation of a majority of the members of the maternal
5 mortality review panel, shall adopt rules related to the
6 following:

7 (1) The system for identifying and reporting maternal
8 mortality events to the director;

9 (2) The form and manner thorough which the maternal
10 mortality review panel may acquire information
11 pursuant to section 324-E;

12 (3) The protocol to be used in contacting a family member
13 of the deceased woman for a discussion of the maternal
14 mortality event, including allowing family members to
15 delay or refuse such a discussion; and

16 (4) Ensuring the confidentiality of all individuals and
17 facilities involved in the maternal mortality review
18 panel's review of maternal mortality events."

19 SECTION 2. Section 324-1, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "§324-1 Sources of information protected. Any person,
22 hospital, sanitorium, nursing or rest home, or other similar



1 medical facility may provide information, interviews, reports,
 2 statements, memoranda, or other data or material relating to the
 3 condition and treatment of any person to the maternal mortality
 4 review panel and maternal perinatal mortality study committee of
 5 the Hawaii Medical Association, any in-hospital staff committee,
 6 or the department of health, to be used in the course of any
 7 study for the purpose of reducing morbidity or mortality.

8 No liability of any kind or character for damages or other
 9 relief shall arise or be enforced against any person or
 10 organization by reason of having provided the information or
 11 material, or by reason of having released or published the
 12 findings, conclusions, and summaries of the research or study
 13 committees to advance medical research and medical education."

14 SECTION 3. Section 324-2, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 **"§324-2 Identification of persons studied; restriction.**

17 The maternal mortality review panel and maternal perinatal
 18 mortality study committee of the Hawaii Medical Association, the
 19 department of health, or any in-hospital staff committee shall
 20 use or publish this material only for the purpose of advancing
 21 medical research, medical education, or education of the public
 22 in the interest of reducing morbidity or mortality. In all



1 events, the identity, or any group of facts which tends to lead
2 to the identity, of any person whose condition or treatment has
3 been studied shall be confidential and shall not be revealed
4 under any circumstances."

5 SECTION 4. In codifying the new sections added by section
6 1 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

12



Report Title:

Health; Medical Research; Maternal Mortality Review Panel

Description:

Establishes the maternal mortality review panel to conduct comprehensive reviews of maternal deaths in Hawaii, which includes collecting, analyzing, and disseminating maternal mortality information. Requires the committee to hold meetings and submit an annual report to the chairs of the senate and house committees on health with findings and recommendations to the legislature. (SD1)

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