
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 a new part to be appropriately designated and
3 to read as follows:

4 **"PART . MATERNAL MORTALITY REVIEW PANEL**

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

7 "Department" means the department of health.

8 "Director" means the director of health or the director's
9 designee.

10 "Family" means:

11 (1) Each legal parent;

12 (2) The natural mother;

13 (3) The natural father;

14 (4) The adjudicated, presumed, or concerned natural father
15 as defined in section 578-2;

16 (5) Each parent's spouse or former spouses;

17 (6) Each sibling or person related by consanguinity or
18 marriage;



- 1 (7) Each person residing in the same dwelling unit; and
- 2 (8) Any other person who, or legal entity that, is a
- 3 child's legal or physical custodian or guardian, or
- 4 who is otherwise responsible for the child's care,
- 5 other than an authorized agency that assumes such a
- 6 legal status or relationship with the child under
- 7 chapter 587A.

8 "Maternal mortality", "maternal death", or "maternal
9 mortality event" means a:

- 10 (1) Pregnancy-related death, which is the death of a woman
- 11 while pregnant or within one year of the end of the
- 12 pregnancy, regardless of whether the pregnancy is
- 13 normal or ectopic, from any cause related to or
- 14 aggravated by the woman's pregnancy or its management,
- 15 but not from accidental or incidental causes;
- 16 (2) Pregnancy-associated death, which is the death of a
- 17 woman while pregnant or within one year of the end of
- 18 pregnancy, irrespective of cause; or
- 19 (3) Pregnancy-associated, but not pregnancy-related death,
- 20 which is the death of a woman while pregnant or within
- 21 one year of the end of pregnancy due to a cause
- 22 unrelated to pregnancy.



1 "Maternal mortality review information" means information
2 regarding the mother and mother's family including, but not
3 limited to:

- 4 (1) Social, medical, and legal histories;
- 5 (2) Death and birth certificates;
- 6 (3) Law enforcement investigative data;
- 7 (4) Medical examiner or coroner investigative data;
- 8 (5) Parole and probation information and records;
- 9 (6) Information and records of social service agencies;
- 10 (7) Educational records; and
- 11 (8) Health care institution information.

12 "Panel" means the maternal mortality review panel.

13 **§324-B Maternal mortality review panel; established.** (a)

14 There is established a panel to conduct comprehensive,
15 multidisciplinary reviews of maternal deaths in the State to
16 identify factors associated with the deaths and make
17 recommendations for system changes to improve health care
18 services for women in the State. The members of the panel shall
19 be appointed by the director, in collaboration with the
20 organizations listed below, and shall consist of:

- 21 (1) Two members from the Hawaii section of the American
22 Congress of Obstetricians and Gynecologists, one of



- 1 whom shall be a generalist and one of whom shall be a
2 maternal fetal medicine specialist;
- 3 (2) One member from the Hawaii chapter of the American
4 Academy of Pediatrics, specializing in neonatology;
- 5 (3) One member from the Hawaii Medical Association;
- 6 (4) One member from the Hawaii chapter of the American
7 College of Nurse Midwives;
- 8 (5) One member from the Hawaii section of the Association
9 of Women's Health, Obstetric and Neonatal Nurses;
- 10 (6) The head of the department's maternal and child health
11 branch, or a designee;
- 12 (7) An epidemiologist from the department with experience
13 analyzing perinatal data, or a designee;
- 14 (8) The chief medical examiner, pathologist, or designee;
- 15 (9) A representative of community mental health centers;
16 and
- 17 (10) A member of the public.

18 (b) The term of each member shall be three years; provided
19 that the initial members' terms shall be staggered in a manner
20 to be determined by the director. The director shall appoint
21 the initial chair of the panel, who shall call the first meeting
22 of the panel and serve as chair for six months, after which time



1 the panel shall elect its chair. Members of the panel shall
2 serve without compensation but shall be reimbursed for actual
3 expenses necessary for the performance of their duties.

4 (c) The director may delegate to the panel the functions
5 of collecting, analyzing, and disseminating maternal mortality
6 review information; organizing and convening meetings of the
7 panel; and performing other substantive and administrative tasks
8 as may be incident to these activities. The activities of the
9 panel and its employees or agents shall be subject to the same
10 confidentiality provisions as apply to members of the panel.

11 **§324-C Duties of the maternal mortality review panel.** (a)
12 The panel, in collaboration with the director or the director's
13 designee, shall conduct comprehensive, multidisciplinary reviews
14 of maternal mortality in Hawaii. The panel shall not be subject
15 to part I of chapter 92.

16 (b) Each member of the panel shall be responsible for
17 disseminating the panel's recommendations to the member's
18 institution or professional organization, as applicable. The
19 panel's recommendations shall not contain any information that
20 would permit identification of a person and shall be
21 disseminated through the institution's or organization's quality



1 assurance program to protect the confidentiality of all persons
2 involved in any maternal mortality event.

3 (c) The director, in collaboration with the panel, shall
4 submit an annual report to the legislature no later than twenty
5 days prior to the convening of each regular session on the
6 panel's activities and the incidents of maternal deaths in the
7 State. The report shall include statistics setting forth the
8 number of maternal deaths in the State, identifiable trends in
9 maternal deaths, including possible causes, and recommendations
10 for system changes and proposed legislation relating to the
11 delivery of health care in the State.

12 (d) The panel shall not have the power to:
13 (1) Call witnesses or take testimony from any individual
14 involved in the investigation of a maternal death; or
15 (2) Enforce any public health standard or criminal law, or
16 otherwise participate in any legal proceeding, except
17 to the extent that a member of the panel is involved
18 in the investigation of a maternal death or resulting
19 prosecution and participates in the legal proceeding
20 in the course of performing the member's duties
21 outside of the panel.



1 **§324-D Access to information.** (a) All providers of
2 medical care and state and county agencies shall report all
3 maternal mortality events to the director.

4 (b) Upon written request of the director, all providers of
5 medical care and state and county agencies shall disclose to the
6 department, and those individuals appointed by the director to
7 the panel, maternal mortality review information regarding the
8 circumstances of a maternal death so that the department may
9 conduct a multidisciplinary review of maternal mortality
10 pursuant to section 321-31 and this part.

11 (c) To the extent that this section conflicts with other
12 state confidentiality laws, this section shall prevail.

13 **§324-E Exception.** Information regarding an ongoing civil
14 or criminal investigation shall be disclosed at the discretion
15 of the applicable state, county, or federal law enforcement
16 agency.

17 **§324-F Use of maternal mortality review information and**
18 **records.** (a) Except as otherwise provided in this part, all
19 maternal mortality review information acquired by the department
20 during its review of maternal deaths pursuant to this part, is
21 confidential and may only be disclosed as necessary to carry out
22 the purposes of this part.



1 (b) Maternal mortality review information and statistical
2 compilations of data that do not contain any information that
3 would permit the identification of any person shall be public
4 records.

5 (c) No individual participating in the panel's review of a
6 maternal death shall be questioned in any civil or criminal
7 proceeding regarding information presented in or opinions formed
8 as a result of a panel meeting. Nothing in this subsection
9 shall be construed to prevent a person from testifying to
10 information obtained independently of the department's request
11 for maternal mortality review information or the panel's review
12 of the maternal death, or which is public information, or where
13 disclosure is required by a court of law.

14 (d) Maternal mortality review information held by the
15 department as a result of maternal mortality reviews conducted
16 under this part is not subject to subpoena, discovery, or
17 introduction into evidence in any civil or criminal proceeding,
18 except that maternal mortality review information otherwise
19 available from other sources is not immune from subpoena,
20 discovery, or introduction into evidence through those sources
21 solely because they were provided as required by this part.



1 (e) The director shall have access to individually
2 identifiable information relating to each maternal mortality
3 event on a case-by-case basis where public health is at risk.

4 (f) The director may retain identifiable information
5 regarding facilities where a maternal mortality event occurred
6 and geographic information on each maternal mortality event
7 solely for the purposes of trending and analysis of maternal
8 mortality events over time.

9 (g) When any provider of medical care or any state or
10 county agency required to provide information in response to the
11 director's request pursuant to section 324-D completes a root
12 cause analysis of a maternal mortality event, the findings of
13 the root cause analysis shall be included in the maternal
14 mortality review information provided to the department and
15 panel members.

16 **§324-G Immunity from liability.** The panel, the panel
17 members, any medical provider, state or county agency, or
18 individual participating in, or cooperating in, the review of a
19 maternal death pursuant to this part shall not be held civilly
20 or criminally liable for providing the information required
21 under this part.



1 **§324-H Rules.** The director, with the advice and
2 recommendation of a majority of the members of the panel, shall
3 adopt rules pursuant to chapter 91 related to the following:

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

6 (2) The form and manner through which the director and the
7 members of the panel may acquire information pursuant
8 to this part;

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

13 (4) The confidentiality provisions of this part."

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

16 "**§324-1 Sources of information protected.** Any person,
17 hospital, sanitorium, nursing or rest home, or other similar
18 medical facility may provide information, interviews, reports,
19 statements, memoranda, or other data or material relating to the
20 condition and treatment of any person to the maternal and
21 perinatal mortality study committee of the Hawaii Medical
22 Association, or any in-hospital staff committee, [~~or the~~



1 ~~department of health,~~] to be used in the course of any study for
2 the purpose of reducing morbidity or mortality.

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

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

11 **"§324-2 Identification of persons studied; restriction.**

12 The maternal and perinatal mortality study committee of the
13 Hawaii Medical Association[~~, the department of health,~~] or any
14 in-hospital staff committee shall use or publish this material
15 only for the purpose of advancing medical research, medical
16 education, or education of the public in the interest of
17 reducing morbidity or mortality. In all events, the identity,
18 or any group of facts [~~which~~] that tends to lead to the
19 identity, of any person whose condition or treatment has been
20 studied shall be confidential and shall not be revealed under
21 any circumstances."



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2013-2014 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2014-2015 for the implementation and operation of the maternal
6 mortality review panel.

7 The sums appropriated shall be expended by the department
8 of health for the purposes of this Act.

9 SECTION 5. In codifying the new sections added by section
10 1 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2050.



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 that includes collecting, analyzing, and disseminating maternal mortality information. Requires the committee to hold meetings and submit an annual report to the legislature. Makes appropriation. Effective July 1, 2050. (SB1238 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

