
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, regardless of whether the pregnancy is
12 normal or ectopic, from any cause related to or
13 aggravated by her pregnancy or its management, but not
14 from 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
12 appointed by the director as necessary.

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



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

9 **§324-C Duties of the maternal mortality review panel.** (a)
10 The maternal mortality review panel, in collaboration with the
11 director or the director's designee, shall conduct
12 comprehensive, multidisciplinary reviews of maternal mortality
13 in Hawaii.

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

21 (c) The director, in collaboration with the maternal
22 mortality review panel, shall submit an annual report no later



1 than twenty days prior to the convening of each regular session
2 to the legislature on the panel's activities and the incidents
3 of maternal deaths in the State. The report shall include
4 statistics setting forth the number of maternal deaths in the
5 State, identifiable trends in maternal deaths, including
6 possible causes, and recommendations for system changes and
7 proposed legislation relating to the delivery of health care in
8 the State.

9 (d) The maternal mortality review panel shall not have the
10 power to:

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

20 §324-D Confidentiality. (a) Unless otherwise provided in
21 law, the maternal mortality review panel's proceedings, records,
22 and opinions shall be confidential and shall not be subject to



1 inspection, review, discovery, subpoena, or introduction into
2 evidence at any civil or criminal proceeding; provided that
3 nothing in this subsection shall be construed to limit or
4 restrict the right to discover or use in any civil or criminal
5 proceeding any material that is available from another source
6 and entirely independent from the panel's proceedings, records,
7 and opinions.

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

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

21 (b) The director may acquire information described in
22 subsection (a) from health care facilities, maternal mortality



1 review programs, and other sources in any state to ensure that
2 the panel's records of Hawaii maternal mortality cases are
3 accurate and complete.

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

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

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

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

21 (g) As used in this section, "individually identifiable
22 information" includes vital records; hospital discharge data;



1 prenatal, fetal, pediatric, or infant medical records; hospital
2 or clinic records; laboratory reports; records of fetal deaths
3 or induced terminations of pregnancies; and autopsy reports.

4 **§324-F Rules.** The director, with the advice and
5 recommendation of a majority of the members of the maternal
6 mortality review panel, shall adopt rules pursuant to chapter 91
7 related to the following:

- 8 (1) The system for identifying and reporting maternal
9 mortality events to the director;
- 10 (2) The form and manner through which the maternal
11 mortality review panel may acquire information
12 pursuant to section 324-E;
- 13 (3) The protocol to be used in contacting a family member
14 of the deceased woman for a discussion of the maternal
15 mortality event, including allowing family members to
16 delay or refuse such a discussion; and
- 17 (4) Ensuring the confidentiality of all individuals and
18 facilities involved in the maternal mortality review
19 panel's review of maternal mortality events."

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



1 **"§324-1 Sources of information protected.** Any person,
 2 hospital, sanatorium, nursing or rest home, or other similar
 3 medical facility may provide information, interviews, reports,
 4 statements, memoranda, or other data or material relating to the
 5 condition and treatment of any person to the maternal mortality
 6 review panel and maternal perinatal mortality study committee of
 7 the Hawaii Medical Association, any in-hospital staff committee,
 8 or the department of health, to be used in the course of any
 9 study for the purpose of reducing morbidity or mortality.

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

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

18 **"§324-2 Identification of persons studied; restriction.**
 19 The maternal mortality review panel and maternal perinatal
 20 mortality study committee of the Hawaii Medical Association, the
 21 department of health, or any in-hospital staff committee shall
 22 use or publish this material only for the purpose of advancing



1 medical research, medical education, or education of the public
2 in the interest of reducing morbidity or mortality. In all
3 events, the identity, or any group of facts which tends to lead
4 to the identity, of any person whose condition or treatment has
5 been studied shall be confidential and shall not be revealed
6 under any circumstances."

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2013-2014 and
10 the same sum or so much thereof as may be necessary for fiscal
11 year 2014-2015 for the implementation and operation of the
12 maternal mortality review panel.

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

15 SECTION 5. In codifying the new sections added by section
16 1 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect upon on July 1,
22 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, which 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 7/1/2050. (SD2)

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