

STAND. COM. REP. NO. 400

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 1238
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 1238
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to, among other
things, establish the maternal mortality review committee to
conduct comprehensive reviews on maternal deaths in Hawaii.

Your Committee received testimony in support of this measure
from the Hawai'i Women's Coalition, Planned Parenthood of Hawaii,
American Congress of Obstetricians and Gynecologists, and eleven
individuals.

Your Committee finds that Hawaii is one of only fourteen
states that do not have an active maternal mortality review
committee. This measure will establish a group to conduct
comprehensive reviews of maternal deaths in the State for the
purpose of identifying factors associated with maternal deaths and
improving services for women in the State.

Your Committee has amended this measure by:

- (1) Adding a definition of "director" to mean the Director
of Health;
- (2) Amending the definition of the term "maternal mortality"
to include "pregnancy-related death", "pregnancy-



associated death", and "pregnancy-associated, but not pregnancy-related death";

- (3) Changing all references from "maternal mortality review committee" to "maternal mortality review panel";
- (4) Requiring the Director of Health to consult with various stakeholder groups in selecting the members of the maternal mortality review panel;
- (5) Amending the composition of the maternal mortality review panel to provide more specificity in the number of members and the entities or organizations to be represented, including:
 - (A) Two members from the Hawaii Section of the American Congress of Obstetricians and Gynecologists, one of whom shall be a generalist and one of whom shall be a maternal fetal medicine specialist;
 - (B) One member from the Hawaii Chapter of the American Academy of Pediatrics, specializing in neonatology;
 - (C) One member from the Hawaii Medical Association;
 - (D) One member from the Hawaii Chapter of the American College of Nurse Midwives;
 - (E) One member from the Hawaii Section of the Association of Women's Health, Obstetric and Neonatal Nurses;
 - (F) The head of the Department of Health's Maternal and Child Health Branch, or a designee;
 - (G) An epidemiologist from the Department of Health with experience analyzing perinatal data, or a designee;
 - (H) A representative of community mental health centers; and
 - (I) A member of the public;



- (6) Increasing the number of years each member of the maternal mortality review panel may serve from two to three years and specifying that the member's terms shall be staggered;
- (7) Adding language to specify that in addition to conducting comprehensive, multidisciplinary reviews of maternal mortality, members of the maternal mortality review panel shall be responsible for disseminating panel recommendations to the members' respective institutions and professional organizations, as applicable, subject to certain requirements;
- (8) Amending language requiring the Director of Health, in collaboration with the maternal mortality review panel, to submit an annual report to the Chairs of the Senate and House Committees on Health, rather than to the Legislature;
- (9) Adding language clarifying that the maternal mortality review panel shall not have the power to:
 - (A) Call witnesses or take testimony for any individual involved in the investigation of a maternal death; or
 - (B) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding, except in certain circumstances;
- (10) Adding language making the maternal mortality review panel's proceedings, records, and opinions confidential, unless otherwise provided by law;
- (11) Adding language specifying that members of the maternal mortality review panel shall not be questioned in civil or criminal proceedings regarding information presented in or opinions formed during a meeting of the panel, unless otherwise required by law;
- (12) Adding language requiring health care providers, health care facilities, clinic, laboratories, medical records departments, and state offices, agencies, and departments to report all maternal mortality events to



the Director of Health and the maternal mortality review panel;

- (13) Adding language giving the Director of Health authority to acquire any information necessary to ensure that the maternal mortality review panel's records are accurate and complete;
- (14) Adding language specifying when the Director of Health may acquire and retain individually identifiable information; provided that such information on individuals shall be removed before the information is reviewed by the maternal mortality review panel;
- (15) Adding language prohibiting the chair of the maternal mortality review panel from acquiring or retaining any individually identifiable information;
- (16) Adding language requiring that if a root cause analysis of a maternal mortality event has been completed, the findings of the analysis be provided to the maternal mortality review panel;
- (17) Adding a definition for "individually identifiable information" to include vital records; hospital discharge data; prenatal, fetal, pediatric, or infant medical records; hospital or clinic records; laboratory reports; records of fetal deaths or induced terminations of pregnancies; and autopsy reports;
- (18) Requiring the Director of Health, with the advice and recommendation of a majority of the members of the maternal mortality review panel, to adopt rules relating to:
 - (A) The system for identifying and reporting maternal mortality events to the Director of Health;
 - (B) The form and manner thorough which the maternal mortality review panel may acquire information;
 - (C) The protocol to be used in contacting a family member of the deceased woman for a discussion of the maternal mortality event, including allowing

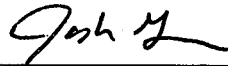


family members to delay or refuse such a discussion; and

- (D) Ensuring the confidentiality of all individuals and facilities involved in the maternal mortality review panel's review of maternal mortality events;
- (19) Reinstating references to the perinatal mortality study committee of the Hawaii Medical Association in sections 324-1 and 324-2, Hawaii Revised Statutes, relating to protected information and restrictions on the identification of persons studied for the purpose of reducing morbidity and mortality; and
- (20) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1238, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Health,

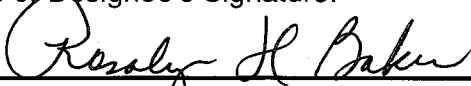


JOSH GREEN, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 1238	Committee Referral: HTH, WAM	Date: 2/01/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
TOTAL	3	—	—	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes