
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) Spouse;

12 (2) Each legal parent;

13 (3) The natural mother;

14 (4) The natural father;

15 (5) The adjudicated, presumed, or concerned natural father
16 as described in section 578-2;

17 (6) Each parent's spouse or former spouses;



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

10 "Individually identifiable health information" has the same
11 meaning as used in 45 Code of Federal Regulations, part 164,
12 subpart E, as may be amended;

13 "Maternal mortality", "maternal death", or "maternal
14 mortality event" means a:

- 15 (1) Pregnancy-related death, which is the death of a woman
- 16 while pregnant or within one year of the end of the
- 17 pregnancy, regardless of whether the pregnancy is
- 18 normal or ectopic, from any cause related to or
- 19 aggravated by the woman's pregnancy or its management,
- 20 but not from accidental or incidental causes;



- 1 (2) Pregnancy-associated death, which is the death of a
2 woman while pregnant or within one year of the end of
3 pregnancy, irrespective of cause; or
- 4 (3) Pregnancy-associated, but not pregnancy-related death,
5 which is the death of a woman while pregnant or within
6 one year of the end of pregnancy due to a cause
7 unrelated to pregnancy.

8 "Maternal mortality review information" means information
9 regarding the woman and woman's family including, but not
10 limited to:

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

19 "Panel" means the maternal mortality review panel.

20 "Provider of medical care" means any health care
21 practitioner who provides, or facility through which is



1 provided, any medical evaluation or treatment, including dental
2 and mental health evaluation or treatment.

3 §324-B Maternal mortality review panel; established. (a)

4 There is established a panel to conduct comprehensive,
5 multidisciplinary reviews of maternal deaths in the State to
6 identify factors associated with the deaths and make
7 recommendations for system changes to improve health care
8 services for women in the State. The members of the panel shall
9 be appointed by the director, in collaboration with the
10 organizations listed below, and shall consist of:

- 11 (1) Three members from the Hawaii section of the American
12 Congress of Obstetricians and Gynecologists, including
13 at least one generalist and at least one maternal
14 fetal medicine specialist;
- 15 (2) One member from the Hawaii chapter of the American
16 Academy of Pediatrics, specializing in neonatology;
- 17 (3) One member from the Hawaii Medical Association;
- 18 (4) One member from the Hawaii chapter of the American
19 College of Nurse Midwives;
- 20 (5) One member from the Hawaii section of the Association
21 of Women's Health, Obstetric and Neonatal Nurses;



- 1 (6) The head of the department's maternal and child health
- 2 branch, or a designee;
- 3 (7) An epidemiologist from the department with experience
- 4 analyzing perinatal data, or a designee;
- 5 (8) The chief medical examiner, pathologist, or designee;
- 6 (9) A representative of community mental health centers;
- 7 and
- 8 (10) Expert consultants invited by the chair.
- 9 (b) The term of each member shall be three years; provided
- 10 that the initial members' terms shall be staggered in a manner
- 11 to be determined by the director. The director shall appoint
- 12 the initial chair of the panel, who shall call the first meeting
- 13 of the panel and serve as chair for six months, after which time
- 14 the panel shall elect its chair. Members of the panel shall
- 15 serve without compensation but shall be reimbursed for actual
- 16 expenses necessary for the performance of their duties.
- 17 (c) The director may delegate to the panel the functions
- 18 of:
- 19 (1) Collecting, analyzing, and disseminating maternal
- 20 mortality review information;
- 21 (2) Organizing and convening meetings of the panel; and

1 (3) Performing other substantive and administrative tasks
2 as may be incident to these activities.

3 The activities of the panel and its employees or agents shall be
4 subject to the same confidentiality provisions as apply to
5 members of the panel.

6 §324-C Duties of the maternal mortality review panel.

7 (a) The panel, in collaboration with the director or the
8 director's designee, shall conduct comprehensive,
9 multidisciplinary reviews of maternal mortality in Hawaii. The
10 panel shall not be subject to part I of chapter 92.

11 (b) The panel may invite consultants to attend reviews of
12 maternal mortality events. Each consultant shall be subject to
13 the same confidentiality provisions as apply to panel members.

14 (c) The panel shall be responsible for disseminating the
15 panel's recommendations to the members' institution or
16 professional organization as applicable. The panel's
17 recommendations shall not contain any information that would
18 permit identification of a person and shall be disseminated
19 through the institution's or organization's quality assurance
20 program to protect the confidentiality of all persons involved
21 in any maternal mortality event.



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

10 (e) The panel shall not have the 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 prosecution and participates in the legal proceeding
18 in the course of performing the member's duties
19 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,



1 shall be confidential and may only be disclosed as necessary to
2 carry out the purposes of this part.

3 (b) The department shall redact any individually
4 identifiable health information prior to sharing it with panel
5 members.

6 (c) General maternal mortality review information and
7 statistical compilations of data that do not contain any
8 information that would permit the identification of any person
9 shall be public records.

10 (d) The panel and every panel member shall maintain the
11 confidentiality of the maternal mortality review information and
12 all information obtained as part of the panel proceedings.
13 Neither the panel nor any panel member shall release or re-
14 disclose information obtained as part of the panel proceedings.

15 (e) No individual participating in the panel's review of a
16 maternal death shall be questioned in any civil or criminal
17 proceeding regarding information presented in or opinions formed
18 as a result of a panel meeting. Nothing in this subsection
19 shall be construed to prevent a person from testifying to
20 information obtained independently of the department's request
21 for maternal mortality review information or the panel's review



1 of the maternal death, or which is public information, or where
2 disclosure is required by a court of law.

3 (f) Maternal mortality review information held by the
4 department as a result of maternal mortality reviews conducted
5 under this part is not subject to subpoena, discovery, or
6 introduction into evidence in any civil or criminal proceeding,
7 except that maternal mortality review information otherwise
8 available from other sources is not immune from subpoena,
9 discovery, or introduction into evidence through those sources
10 solely because they were provided as required by this part.

11 (g) The director shall have access to individually
12 identifiable health information relating to each maternal
13 mortality event on a case-by-case basis where public health is
14 at risk.

15 (h) The director may retain individually identifiable
16 health information regarding facilities where a maternal
17 mortality event occurred and geographic information on each
18 maternal mortality event solely for the purposes of trending and
19 analysis of maternal mortality events over time.

20 **§324-G Immunity from liability.** The panel, the panel
21 members, any medical provider, state or county agency, or



1 individual participating in, or cooperating in, the review of a
2 maternal death pursuant to this part shall not be held civilly
3 or criminally liable for providing the information required
4 under this part.

5 **§324-H Rules.** The director, with the advice and
6 recommendation of a majority of the members of the panel, shall
7 adopt rules pursuant to chapter 91 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 director and the
11 members of the panel may acquire information pursuant
12 to this part;
- 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) The confidentiality provisions of this part."

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

20 "§324-1 Sources of information protected. Any person,
21 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 and~~
4 ~~perinatal mortality study committee of the Hawaii Medical~~
5 ~~Association, any in-hospital staff committee, or the~~] department
6 of health[7] to be used in the course of any study for the
7 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 and perinatal mortality study committee of the~~
18 ~~Hawaii Medical Association, the department of health, or any in-~~
19 ~~hospital staff committee~~] maternal mortality review panel shall
20 use or publish this material only for the purpose of advancing
21 medical research, medical education, or education of the public



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

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$10,000 or so much
8 thereof as may be necessary for fiscal year 2015-2016 and the
9 same sum or so much thereof as may be necessary for fiscal year
10 2016-2017 for the implementation and operation of the maternal
11 mortality review panel.

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

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

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



1 SECTION 7. This Act shall take effect on July 1, 2015.

2

INTRODUCED BY: Allen Alessi
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Report Title:

Health; Maternal Mortality

Description:

Establishes a maternal mortality review panel in the DOH to conduct comprehensive, multidisciplinary reviews of maternal mortality in the State. Appropriates moneys for the panel.

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