
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 MORBIDITY AND MORTALITY REVIEW PANEL**

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

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 defined 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 information" means the same as
11 in title 45 Code of Federal Regulations section 164.402, as may
12 be amended.

13 "Maternal morbidity and mortality", "maternal death", or
14 "maternal morbidity and mortality event" means any one of the
15 following:

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



1 (2) Pregnancy-associated death, which is the death of a
2 woman while pregnant or within one year after a
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 after a pregnancy due to a cause unrelated to
7 pregnancy.

8 "Maternal morbidity and mortality review information" means
9 information regarding the woman and woman's family, including
10 but not 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 Hawaii maternal morbidity and mortality
20 review panel, established pursuant to section 324-B.



1 "Provider of medical care" means any health care
2 practitioner who provides any medical evaluation or treatment,
3 or any facility through which health care is provided, including
4 dental and mental health evaluation or treatment.

5 **§324-B Hawaii maternal morbidity and mortality review**
6 **panel; established.** (a) There is established the Hawaii
7 maternal morbidity and mortality review panel, which shall be
8 placed within the department for administrative purposes only.
9 The purpose of the panel is to conduct comprehensive,
10 multidisciplinary reviews of maternal deaths in the State to
11 identify factors associated with the deaths and make
12 recommendations for system changes to improve health care
13 services for women in the State. The members of the panel shall
14 be appointed by the director, in collaboration with the
15 organizations listed below, and shall consist of:

16 (1) Three members from the Hawaii section of the American
17 Congress of Obstetricians and Gynecologists, and of
18 the three members, there shall be at least one
19 generalist and at least one maternal fetal medicine
20 specialist;



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

16 provided that the chair of the panel may invite nonvoting expert
17 consultants to its meetings.

18 (b) The terms of the members shall be three years;
19 provided that the initial members' terms shall be staggered in a
20 manner to be determined by the director. The director shall
21 appoint the initial chair of the panel, who shall call the first



1 meeting of the panel and serve as chair for six months, after
2 which time the panel shall elect its chair. Members of the
3 panel shall serve without compensation but shall be reimbursed
4 for actual and necessary expenses, including travel, board, and
5 lodging, incurred in the performance of panel activities.

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

14 **§324-C Panel duties.** (a) The panel, in collaboration
15 with the director, shall conduct comprehensive and
16 multidisciplinary reviews of maternal mortality in Hawaii. The
17 panel shall not be subject to part I of chapter 92.

18 (b) The panel may invite consultants to attend reviews of
19 maternal morbidity and mortality events. Each consultant shall
20 be subject to the same confidentiality provisions that apply to
21 panel members.



1 (c) The panel shall be responsible for disseminating the
2 panel's recommendations to the institutions and professional
3 organizations represented by members on the panel, as
4 applicable. The panel's recommendations shall not contain any
5 information that would permit identification of a person and
6 shall be disseminated through the institution's or
7 organization's quality assurance program to protect the
8 confidentiality of all persons involved in any maternal
9 morbidity and mortality event.

10 (d) 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 a member's duties outside
19 of the panel.

20 (e) The director, in collaboration with the panel, shall
21 submit an annual written report to the legislature no later than



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

7 **§324-D Access to information.** (a) All providers of
8 medical care and state and county agencies shall report all
9 maternal morbidity and mortality events to the director.

10 (b) Upon written request of the director, all providers of
11 medical care and state and county agencies shall disclose to the
12 department, and those individuals appointed by the director to
13 the panel, maternal morbidity and mortality review information
14 regarding the circumstances of a maternal death so that the
15 department may conduct a multidisciplinary review of maternal
16 morbidity and mortality pursuant to section 321-31 and this
17 part.

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

20 **§324-E Exception.** Information regarding an ongoing civil
21 or criminal investigation shall be disclosed at the discretion



1 of the applicable state, county, or federal law enforcement
2 agency.

3 **§324-F Use of maternal morbidity and mortality review**

4 **information and records.** (a) Except as otherwise provided in
5 this part, all maternal morbidity and mortality review
6 information acquired by the department during its review of
7 maternal deaths pursuant to this part, is confidential and may
8 only be disclosed as necessary to carry out the purposes of this
9 part.

10 (b) The department shall redact any individually
11 identifiable information prior to sharing maternal morbidity and
12 mortality review information with panel members.

13 (c) General maternal morbidity and mortality review
14 information and statistical compilations of data that do not
15 contain any individually identifiable information shall be
16 public records.

17 (d) The panel and every panel member shall maintain the
18 confidentiality of the maternal morbidity and mortality review
19 information and all information obtained as part of the panel
20 proceedings. Neither the panel nor any panel member shall



1 release or re-disclose information obtained as part of the panel
2 proceedings.

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

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



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

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

11 **§324-G Immunity from liability.** The panel, the panel
12 members, any medical provider, state or county agency, or
13 individual participating in, or cooperating in, the review of a
14 maternal death pursuant to this part shall not be held civilly
15 or criminally liable for providing the information required
16 under this part.

17 **§324-H Rules.** The director, with the advice and
18 recommendation of a majority of the members of the panel, shall
19 adopt rules pursuant to chapter 91 related to the following:

20 (1) The system for identifying and reporting maternal
21 morbidity and mortality events to the director;



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

4 (3) The protocol to be used in contacting a family member
5 of the deceased woman for a discussion of the maternal
6 morbidity and mortality event, including allowing
7 family members to delay or refuse such a discussion;
8 and

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

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

12 **"§324-1 Sources of information protected.** Any person,
13 hospital, sanitorium, nursing or rest home, or other similar
14 medical facility may provide information, interviews, reports,
15 statements, memoranda, or other data or material relating to the
16 condition and treatment of any person to [~~the maternal and~~
17 ~~perinatal mortality study committee of the Hawaii Medical~~
18 ~~Association, any in hospital staff committee, or]~~ the department
19 of health, to be used in the course of [~~any~~] study for the
20 purpose of reducing morbidity or mortality.



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

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

9 **"§324-2 Identification of persons studied; restriction.**

10 [~~The maternal and perinatal mortality study committee of the~~
11 ~~Hawaii Medical Association, the department of health, or any in-~~
12 ~~hospital staff committee]~~ The maternal morbidity and mortality
13 review panel shall use or publish this material only for the
14 purpose of advancing medical research, medical education, or
15 education of the public in the interest of reducing morbidity or
16 mortality. In all events, the identity, or any group of facts
17 which tends to lead to the identity[~~7~~] of any person whose
18 condition or treatment has been studied shall be confidential
19 and shall not be revealed [~~under any circumstances~~]."

20 SECTION 4. In codifying the new sections added by section
21 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

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



Report Title:

Maternal Morbidity and Mortality Review Panel; Department of Health

Description:

Establishes the Hawaii maternal morbidity and mortality review panel within the department of health to conduct a comprehensive review of maternal deaths that have occurred in the State.
(SD1)

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