

JAN 22 2016

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii is one of
2 only thirteen states without a multi-disciplinary professional
3 panel to review pregnancy-related deaths. It is estimated that
4 up to fifty per cent of all maternal deaths are preventable,
5 thus maternal mortality review panels are integral to saving the
6 lives of women who are pregnant or within one year of a
7 pregnancy. The legislature further finds that despite advances
8 in medical care, the United States maternal mortality rate
9 continues to rise. According to the Center for Disease Control,
10 the number of reported pregnancy-related deaths increased from
11 8.4 deaths per 100,000 live births in 1997 to a high of 17.8
12 deaths per 100,000 live births in 2011. Findings from review
13 panels guide the creation of treatment protocols, education
14 campaigns, and standardization of pregnancy care leading to more
15 lives saved.

16 The purpose of this Act is to establish a maternal
17 mortality panel to conduct comprehensive, multidisciplinary,



1 confidential, and peer-review protected reviews of maternal
2 deaths in the State to identify factors associated with the
3 deaths and make recommendations for system changes to improve
4 health care services for women in the State.

5 SECTION 2. Chapter 324, Hawaii Revised Statutes, is
6 amended by adding a new part to be appropriately designated and
7 to read as follows:

8 "PART . MATERNAL MORTALITY REVIEW PANEL

9 §324-A Definitions. As used in this part, unless the
10 context otherwise requires:

11 "Department" means the department of health.

12 "Director" means the director of health or the director's
13 designee.

14 "Family" means:

- 15 (1) Spouse;
- 16 (2) Each legal parent;
- 17 (3) The natural mother;
- 18 (4) The natural father;
- 19 (5) The adjudicated, presumed, or concerned natural father
20 as described in section 578-2;
- 21 (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" means the
11 same as in title 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 any one of the following:

- 15 (1) Pregnancy-related death, which is the death of a woman
- 16 while pregnant or within one year after a pregnancy,
- 17 regardless of whether the pregnancy is normal or
- 18 ectopic, from any cause related to or aggravated by
- 19 the woman's pregnancy or its management, but not from
- 20 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 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 Hawaii maternal mortality review panel,
20 established pursuant to section 324-B.



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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 mortality review panel;

6 established. (a) There is established the Hawaii maternal
7 mortality review panel, which shall be placed within the
8 department for administrative purposes only. The purpose of the
9 panel is to conduct comprehensive, multidisciplinary,
10 confidential, and peer-review protected reviews of maternal
11 deaths in the State to identify factors associated with the
12 deaths and make recommendations for system changes to improve
13 health care services for women in the State. The members of the
14 panel shall be appointed by the director, in collaboration with
15 the 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 (9) A representative of community mental health centers in
- 14 the State; and
- 15 (10) A representative from the University of Hawaii;

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 mortality
8 review information; organizing and convening meetings of the
9 panel; and performing other substantive and administrative tasks
10 as may be incident to these activities. The activities of the
11 panel and its employees or agents shall be subject to the same
12 confidentiality provisions as apply to members of the panel.

13 §324-C Panel duties. (a) The panel, in collaboration
14 with the director, shall conduct comprehensive and
15 multidisciplinary reviews of maternal mortality in Hawaii. The
16 panel shall not be subject to part I of chapter 92.

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

20 (c) The panel shall be responsible for disseminating the
21 panel's recommendations to the institutions and professional



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

8 (d) The panel shall not have the power to:

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

18 (e) The director, in collaboration with the panel, shall
19 submit an annual written report to the legislature no later than
20 twenty days prior to the convening of each regular session on
21 the panel's activities and incidents of maternal deaths in the



1 State. The report shall include statistics setting forth the
2 number of maternal deaths in the State, identifiable trends in
3 maternal deaths, including possible causes, and recommendations
4 for system changes, including any proposed legislation.

5 §324-D Access to information. (a) All providers of
6 medical care and state and county agencies shall report all
7 maternal mortality events to the director.

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

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

17 §324-E 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



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

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

6 (c) General maternal mortality review information and
7 statistical compilations of data that do not contain any
8 individually identifiable information shall be public records.

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

14 (e) No individual participating in the panel's review of a
15 maternal death shall be questioned in any civil or criminal
16 proceeding regarding information presented in or opinions formed
17 as a result of a panel meeting. Nothing in this subsection
18 shall be construed to prevent a person from testifying to
19 information obtained independently of the department's request
20 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 shall not be 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 shall not be immune from subpoena,
9 discovery, or introduction into evidence through those sources
10 solely because they were provided to the department as required
11 by this part.

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

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

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



1 or individual participating in, or cooperating in, the review of
2 a 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-G 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 3. 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, the maternal mortality review panel, any in-
6 hospital staff committee, or the department of health, to be
7 used in the course of any study for the purpose of reducing
8 morbidity or mortality.

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

15 SECTION 4. Section 324-2, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§324-2 Identification of persons studied; restriction.
18 The [~~maternal and perinatal mortality study committee of the~~]
19 Hawaii Medical Association, the department of health, the
20 maternal mortality review panel, or any in-hospital staff
21 committee shall use or publish this material only for the



1 purpose of advancing medical research, medical education, or
2 education of the public in the interest of reducing morbidity or
3 mortality. In all events, the identity, or any group of facts
4 which tends to lead to the identity[7] of any person whose
5 condition or treatment has been studied shall be confidential
6 and shall not be revealed under any circumstances."

7 SECTION 5. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$10,000 or so much
9 thereof as may be necessary for fiscal year 2016-2017 for the
10 implementation and operation of the maternal mortality review
11 panel.

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

14 SECTION 6. In codifying the new sections added by section
15 2 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 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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S.B. NO. 2317

1 SECTION 8. This Act shall take effect on July 1, 2016.

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INTRODUCED BY: Rosely H. Bab

Rama Tul

Onihille Sidani

Francisco Alcala

Yadlun g

Matt

Stevie R. Snow

Alvico

Julia

Will Eyo

Anna Mercedes Kim

JW



S.B. NO. 2317

Report Title:

Maternal Mortality Review Panel; Department of Health;
Appropriation

Description:

Establishes the Hawaii maternal mortality review panel within the department of health to conduct a comprehensive review of maternal deaths that have occurred in the State. Makes an appropriation.

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

