
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 comprehensive
2 multidisciplinary reviews of child deaths, as performed in the
3 past by the Hawaii child death review system that was
4 established by Act 369, Session Laws of Hawaii 1997, are needed
5 to understand risk factors, prevent future child deaths, and
6 keep children in the State of Hawaii safe and healthy. Child
7 death reviews provide in-depth, accurate, and timely information
8 to assist with the administration of child health and protection
9 programs and provide appropriate data reporting to federal and
10 state agencies.

11 However, the legislature finds that the system has been
12 inactive since 2011 and, consequently, these important child
13 death reviews are not currently being conducted in the State of
14 Hawaii. The legislature notes that the child death review
15 system is codified under chapter 321, part XXVII, Hawaii Revised
16 Statutes, and is not mandatory.



1 Similarly, comprehensive multidisciplinary reviews of
2 maternal deaths are needed to understand risk factors for and
3 prevent the deaths of mothers during pregnancy, labor, and the
4 year following the birth of a child. This information would
5 benefit policymakers and facilitate the establishment and
6 administration of relevant programs. However, the legislature
7 finds that Hawaii does not currently conduct such reviews of
8 maternal deaths.

9 The legislature additionally finds that comprehensive
10 reviews of child and maternal deaths are a matter of ongoing
11 concern. Because the program of reviews must be sustainable,
12 the legislature recognizes the need to provide funding to
13 conduct child and maternal death reviews not only in the current
14 biennium, but in subsequent biennia as well.

15 The purpose of this Act is to ensure that the legislature
16 receives appropriate information about child and maternal death
17 reviews and to provide funding to the department of health to
18 conduct child death reviews and to implement a program for the
19 performance of maternal death reviews.



1 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to part XXVII to be
3 appropriately designated and to read as follows:

4 "§321- Child death reviews; reports. (a) The director
5 shall submit an annual written report to the legislature no
6 later than twenty days prior to the convening of each regular
7 session on the status of child death reviews conducted by the
8 department pursuant to section 321-341. The annual report shall
9 cover the calendar year immediately prior to the year in which
10 the report is due and shall describe the total number of child
11 deaths in Hawaii and the causes of those deaths, the number of
12 deaths of children in state custody and the causes of those
13 deaths, any child death review activities conducted by the
14 department, trends in child deaths, and recommendations for
15 system changes, including any proposed legislation.

16 (b) Upon written request of the director, a state or
17 county agency shall report deaths of children in the custody of
18 the state or county agency to the department, including any
19 information on the circumstances of the child's death deemed
20 relevant by the director.



1 (c) The director shall submit a copy of any other child
2 death review report published by the department, including
3 findings and recommendations resulting from such a review, to
4 the legislature upon the report's publication."

5 SECTION 3. Chapter 324, Hawaii Revised Statutes, is
6 amended by adding two new sections to part I to be appropriately
7 designated and to read as follows:

8 "324-A Multidisciplinary and multiagency reviews. The
9 department of health may conduct multidisciplinary and
10 multiagency reviews of maternal deaths to reduce the incidence
11 of preventable child deaths.

12 §324-B Maternal death review; requests for information;
13 reports. (a) The director of health shall submit an annual
14 written report to the legislature no later than twenty days
15 prior to the convening of each regular session on the status of
16 reviews of maternal deaths conducted by the department. The
17 annual report shall cover the calendar year immediately prior to
18 the year in which the report is due and shall describe the total
19 number of deaths of women while pregnant or within one year
20 after a pregnancy in Hawaii, the causes of those deaths and
21 whether the causes of death were pregnancy related, any maternal



1 mortality review activities conducted by the department, trends
2 in maternal deaths, and recommendations for system changes,
3 including any proposed legislation.

4 (b) The director of health shall submit a copy of any
5 other maternal death review report published by the department
6 of health, detailing findings and recommendations resulting from
7 such a review, to the legislature upon the report's
8 publication."

9 SECTION 4. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so much
11 thereof as may be necessary for fiscal year 2016-2017 for the
12 department of health to conduct child death reviews in
13 accordance with chapter 321, part XXVII, Hawaii Revised
14 Statutes, and to implement a program for the performance of
15 maternal death reviews.

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

18 SECTION 5. Section 321-343, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Upon written request of the director, all providers
21 of ~~medical~~ health care, social services, and state and county



1 agencies shall disclose to the department, and those individuals
 2 appointed by the director to participate in the review of child
 3 deaths, child death review information regarding the
 4 circumstances of a child's death so that the department may
 5 conduct a multidisciplinary and multiagency review of child
 6 deaths pursuant to section 321-31 and this part. The department
 7 shall not request findings of any hospital quality committee
 8 review."

9 SECTION 6. Section 324-1, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "§324-1 Requests for information; Sources of information
 12 protected. [~~Any person, hospital, sanitorium, nursing or rest~~
 13 ~~home, or other similar medical facility may] Upon written
 14 request from the director of health, all providers of health
 15 care, social services, and county and state agencies shall
 16 provide information, interviews, reports, statements, memoranda,
 17 or other data or material relating to the condition and
 18 treatment of any person to [~~the maternal and perinatal mortality~~
 19 ~~study committee of the Hawaii Medical Association, any in-~~
 20 ~~hospital staff committee, or]~~ the department of health[~~7~~] or its~~



1 designee, to be used in the course of any study for the purpose
2 of reducing morbidity or mortality.

3 (b) The department of health may request information
4 stored in electronic format or in paper copies, or gathered
5 through interviews, that includes but is not limited to:

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

14 The department of health shall not request findings of any
15 hospital quality committee review.

16 No liability of any kind or character for damages or other
17 relief shall arise or be enforced against any person or
18 organization by reason of having provided the information or
19 material, or by reason of having released or published the
20 findings, conclusions, and summaries of the research or study
21 committees to advance medical research and medical education."



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

3 "§324-2 Identification of persons studied; restriction.
4 The [~~maternal and perinatal mortality study committee of the~~
5 ~~Hawaii Medical Association, the~~] department of health, or its
6 designee, or any in-hospital staff committee shall use or
7 publish this material only for the purpose of advancing medical
8 research, medical education, or education of the public in the
9 interest of reducing morbidity or mortality. In all events, the
10 identity, or any group of facts which tends to lead to the
11 identity, of any person whose condition or treatment has been
12 studied shall be confidential and shall not be revealed under
13 any circumstances."

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

Department of Health; Child and Maternal Death Reviews;
Appropriation

Description:

Requires the Department of Health to submit annual reports to the Legislature relating to child and maternal deaths and death reviews in the State. Requires, upon written request from the Director of Health, all providers of health care or social services and county and state agencies to disclose child death review information and to provide information or other materials relating to the condition and treatment of any person to the Department of Health, or its designee, for studies to reduce morbidity or mortality. Appropriates funds to the Department of Health to conduct child death reviews and implement a program to perform maternal death reviews. (SB2317 HD1)

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