

---

---

# 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 morbidity and mortality in  
17 Hawaii. The 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. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$10,000 or so much



1 thereof as may be necessary for fiscal year 2015-2016 and the  
2 same sum or so much thereof as may be necessary for fiscal year  
3 2016-2017 for the implementation and operation of the maternal  
4 morbidity and mortality review panel.

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

7 SECTION 5. In codifying the new sections added by section  
8 1 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

11 SECTION 6. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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



**Report Title:**

Maternal Morbidity and Mortality Review Panel; Department of Health; Appropriation

**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)

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

