

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To establish a Maternal Mortality Review Committee within the Office of the Chief Medical Examiner to determine the causes associated with maternal mortalities of District residents and those that occur in the District, to describe and record any trends, data, or patterns that are observed surrounding maternal mortalities, to create a strategic framework for improving maternal health outcomes for racial and ethnic minorities in the District, to recommend training to improve the identification, investigation, and prevention of maternal mortalities, and make publicly available an annual report of its findings, recommendations, and steps taken to evaluate implementation of past recommendations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Maternal Mortality Review Committee Establishment Act of 2018".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Committee" means the Maternal Mortality Review Committee established in section 3.

(2) "Maternal mortality" means any pregnancy-related death or pregnancy-associated death.

(3) "Personally identifiable information" means information that identifies any person or could be used to identify any person, including:

(A) Prenatal, fetal, pediatric, and infant medical records;

(B) Hospital discharge records;

(C) Hospital or clinic records and laboratory reports;

(D) Health insurance claim information;

(E) Records of fetal deaths or induced termination of pregnancies; and

(F) Records of public benefits, child abuse and neglect records, school

records, mental health records, police reports, and autopsy reports.

(4) "Pregnancy-associated death" means the death of a woman while the woman is pregnant or within one year after the end of the pregnancy, irrespective of the cause, other than a pregnancy-related death.

(5) “Pregnancy-related death” means the death of a woman while the woman is pregnant or within one year after the end of the pregnancy, from any cause related to the pregnancy or its management, but not from accidental or incidental causes.

**Sec. 3. Establishment and purpose.**

(a) There is established a Maternal Mortality Review Committee within the Office of the Chief Medical Examiner (“OCME”). The OCME shall provide facilities, staffing, and other administrative support for the Committee.

(b) The Committee shall evaluate maternal mortalities, including associated factors,:

- (1) That occur in the District; and
- (2) Of District residents, regardless of the place of death.

(c) The Committee’s duties shall include:

- (1) Identifying and characterizing the scope and nature of maternal mortalities in the District and of District residents;
- (2) Describing and recording any data or patterns that are observed surrounding maternal mortalities;
- (3) Examining past events and circumstances surrounding maternal mortalities by reviewing records and other pertinent documents of public agencies and private entities responsible for investigating maternal mortalities or treating pregnant women;
- (4) Developing and revising, as necessary, operating rules and procedures for the review of maternal mortalities, including identification of cases to be reviewed, coordination among the agencies and professionals involved, and improvement of the identification, data collection, and record keeping of the causes of maternal mortalities;
- (5) Recommending systemic improvements to promote improved and integrated public and private systems serving pregnant women in the District;
- (6) Recommending components for prevention and education programs;
- (7) Creating a strategic framework for improving maternal health outcomes for racial and ethnic minorities in the District, including reducing disparities in maternal mortality rates for racial and ethnic minorities; and
- (8) Recommending training for maternal health providers to improve the identification, investigation, and prevention of maternal mortalities.

(d)(1) By July 1st of each year, the Committee shall make publicly available and submit to the Council and Mayor an annual report of its findings, recommendations, and steps taken to evaluate the implementation of past recommendations, which includes the following information:

- (A) A description of the causes of and contributing factors to maternal mortalities the Committee reviewed during the preceding calendar year;
- (B) A description of the state of maternal health in the District, including statistics and causes of maternal mortalities; and

(C) Recommendations for systemic changes and legislation relating to the delivery of maternal health care in the District.

(2) The annual report submitted pursuant to paragraph (1) of this subsection shall not contain any personally identifiable information, but may include aggregated data.

Sec. 4. Composition of the Maternal Mortality Review Committee.

(a) The Mayor shall appoint at least one representative from each of the following agencies:

- (1) The Office of the Chief Medical Examiner;
- (2) The Department of Health;
- (3) The Department of Behavioral Health;
- (4) The Department of Health Care Finance; and
- (5) The Department of Human Services.

(b) In addition to the appointments required by subsection (a) of this section, the Mayor shall appoint the following members in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)):

- (1) One person with experience in obstetrics and gynecology from each of the District's hospitals and birthing centers;
- (2) One representative from the American Congress of Obstetricians and Gynecologists;
- (3) One representative from the American College of Nurse-Midwives;
- (4) One obstetric registered nurse;
- (5) One certified nurse midwife;
- (6) One doula;
- (7) One representative from a pediatric hospital;
- (8) Three representatives from community organizations specializing in women's health, teen pregnancy, or public health;
- (9) One social worker specializing in women's health or maternal health; and
- (10) One person who has been directly impacted by a maternal mortality.

(c) The Committee shall select a Chairperson according to procedures set forth by the Committee.

(d) The Committee shall establish quorum and other procedural requirements as it considers necessary.

(e)(1) Members appointed pursuant to subsection (a) of this section shall serve at the pleasure of the Mayor.

(2) Members appointed pursuant to subsection (b) of this section shall serve a 3-year term and may be removed by the Mayor for cause. Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(f) No member shall serve in a hold-over capacity for longer than 180 days after the expiration of the term to which they were appointed.

(g) The Committee may invite other stakeholders to attend or present at any relevant portion of a Committee meeting.

**Sec. 5. Access to information.**

(a) Notwithstanding any other provision of law, immediately upon the request of the Committee and as necessary to carry out the Committee's purpose and duties, the Committee shall be provided, without cost and without authorization of the persons to whom the information or records relate, access to:

(1) All information and records of:

(A) Any District agency, or a District agency's contractors, including birth and death certificates, law enforcement investigation data, medical examiner investigation data, and autopsy reports; and

(B) Health agencies that provided prenatal services to the woman; and

(2) All information and records of any healthcare provider, healthcare facility, clinic, laboratory, or medical record department, including providers of mental health services who provided services to the deceased mother, that receives information related to maternal mortalities or prenatal care.

(b) The Committee may seek information from entities and agencies outside the District by any legal means.

(c)(1) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation.

(2) If information or records are withheld under paragraph (1) of this subsection, a report on the status of the investigation shall be submitted to the Committee every 3 months until the earliest of the following events occurs:

(A) The investigation is concluded and the information or records are provided to the Committee; or

(B) The investigating authority determines that providing the information will no longer compromise the investigation and the information or records are provided to the Committee.

(d)(1) The Committee may have access to personally identifiable information relating to maternal mortalities; provided, that the Committee shall not disclose personally identifiable information.

(2) The Department of Health and the Committee may retain data on facilities where maternal mortalities occur for analytical purposes.

Sec. 6. Subpoena power.

(a) When necessary for the discharge of its duties, the Committee may issue subpoenas to compel witnesses to appear, testify, or produce books, papers, correspondence, memoranda, documents, medical records, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall be served personally upon the witness or the witness's designated agent, not less than 5 business days before the date the witness must appear or the documents must be produced, by a special process server, at least 18 years of age, engaged by the Committee.

(c) If, after a reasonable attempt, personal service on a witness or a witness's agent cannot be effected, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not fewer than 8 business days before the date the witness must appear, testify, or produce documents.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Committee may report that fact to the Superior Court of the District of Columbia, and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

Sec. 7. Confidentiality of Committee information and meetings.

(a) Except as provided in this section, information and records obtained or created by the Committee are confidential and not subject to civil discovery or to disclosure pursuant to the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

(b) Information and records presented to the Committee for review shall not be immune from subpoena, discovery, or prohibited from being introduced into evidence solely because they were presented to or reviewed by the Committee if the information and records have been obtained through other sources.

(c) A person other than a Committee member who appears before or participates in the Committee's review of maternal mortalities shall sign a confidentiality agreement acknowledging that any information provided to the Committee is confidential; provided, that any such confidentiality agreement shall account for situations where disclosure is necessary for the person to comply with a request for information from the Committee.

(d) Committee meetings are closed to the public and are not subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*). Committee members who attend closed meetings shall not disclose what occurred with anyone who was not in attendance, other than Committee members, except insofar as disclosure is necessary to carry out the duties of the Committee.

(e) Committee members may disclose information and records related to the Committee only as necessary to carry out the Committee's duties and purposes.

(f) Any party who discloses information pursuant to this act shall take all reasonable steps to ensure that the information disclosed, and the persons to whom the information is disclosed, are as limited as possible.

**Sec. 8. Immunity from liability for providing information to the Committee.**

(a) Any person, hospital, or institution participating in good faith in providing information to the Committee pursuant to this act shall have immunity from administrative, civil, or criminal liability that might otherwise be incurred or imposed with respect to the disclosure of the information. In any such proceeding, there shall be a rebuttable presumption that the person, hospital, or institution that provided information to the Committee acted in good faith.

(b) If acting in good faith, without malice, and within the parameters of the protocols established by this act, members of the Committee are immune from civil liability for an activity related to reviews of maternal mortalities.

**Sec. 9. Unlawful disclosure of information; penalties.**

Whoever knowingly discloses, receives, makes use of, or permits the use of information concerning a deceased woman or other person in violation of this act shall be subject to a civil fine of not more than \$1,000. Violations of this act shall be prosecuted by the Office of the Attorney General or the Attorney General's designee in the name of the District of Columbia.

**Sec. 10. Applicability.**

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

**Sec. 11. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 12. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia