

Senate Bill 273

By: Senators Burke of the 11th, Unterman of the 45th, Bethel of the 54th and Hufstetler of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the
2 Department of Public Health, so as to require the Department of Public Health to establish
3 the Maternal Mortality Review Committee to review maternal deaths; to provide for
4 legislative findings; to provide for data; to provide for confidentiality; to provide for limited
5 liability; to provide for reports; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department
10 of Public Health, is amended by adding a new Code section to read as follows:

11 "31-2A-16.

12 (a) The General Assembly finds that:

13 (1) Georgia currently ranks fiftieth in maternal deaths in the United States;

14 (2) Maternal deaths are a serious public health concern and have a tremendous family
15 and societal impact;

16 (3) Maternal deaths are significantly underestimated and inadequately documented,
17 preventing efforts to identify and reduce or eliminate the causes of death;

18 (4) No processes exist in this state for the confidential identification, investigation, or
19 dissemination of findings regarding maternal deaths;

20 (5) The federal Centers for Disease Control and Prevention has determined that maternal
21 deaths should be investigated through state based maternal mortality reviews in order to
22 institute the systemic changes needed to decrease maternal mortality; and

23 (6) There is a need to establish a program to review maternal deaths and to develop
24 strategies for the prevention of maternal deaths in Georgia.

25 (b) The Department of Public Health shall establish a Maternal Mortality Review
26 Committee to review maternal deaths and to develop strategies for the prevention of

27 maternal deaths. The committee shall be multidisciplinary and composed of members as
28 deemed appropriate by the department. The department may contract with an external
29 organization to assist in collecting, analyzing, and disseminating maternal mortality
30 information, organizing and convening meetings of the committee, and other tasks as may
31 be incident to these activities, including providing the necessary data, information, and
32 resources to ensure successful completion of the ongoing review required by this Code
33 section.

34 (c) The committee shall:

35 (1) Identify maternal death cases;

36 (2) Review medical records and other relevant data;

37 (3) Contact family members and other affected or involved persons to collect additional
38 relevant data;

39 (4) Consult with relevant experts to evaluate the records and data;

40 (5) Make determinations regarding the preventability of maternal deaths;

41 (6) Develop recommendations for the prevention of maternal deaths; and

42 (7) Disseminate findings and recommendations to policy makers, health care providers,
43 health care facilities, and the general public.

44 (d)(1) Health care providers licensed pursuant to Title 43, health care facilities licensed
45 pursuant to Chapter 7 of Title 31, and pharmacies licensed pursuant to Chapter 4 of Title
46 26 shall provide reasonable access to the committee to all relevant medical records
47 associated with a case under review by the committee.

48 (2) A health care provider, health care facility, or pharmacy providing access to medical
49 records pursuant to this Code section shall not be held liable for civil damages or be
50 subject to any criminal or disciplinary action for good faith efforts in providing such
51 records.

52 (e)(1) Information, records, reports, statements, notes, memoranda, or other data
53 collected pursuant to this Code section shall not be admissible as evidence in any action
54 of any kind in any court or before any other tribunal, board, agency, or person. Such
55 information, records, reports, statements, notes, memoranda, or other data shall not be
56 exhibited nor their contents disclosed in any way, in whole or in part, by any officer or
57 representative of the department or any other person, except as may be necessary for the
58 purpose of furthering the review of the committee of the case to which they relate. No
59 person participating in such review shall disclose, in any manner, the information so
60 obtained except in strict conformity with such review project.

61 (2) All information, records of interviews, written reports, statements, notes, memoranda,
62 or other data obtained by the department, the committee, and other persons, agencies, or

63 organizations so authorized by the department pursuant to this Code section shall be
64 confidential.

65 (f)(1) All proceedings and activities of the committee under this Code section, opinions
66 of members of such committee formed as a result of such proceedings and activities, and
67 records obtained, created, or maintained pursuant to this Code section, including records
68 of interviews, written reports, and statements procured by the department or any other
69 person, agency, or organization acting jointly or under contract with the department in
70 connection with the requirements of this Code section, shall be confidential and shall not
71 be subject to Chapter 14 of Title 50, relating to open meetings, or Article 4 of Chapter 18
72 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction
73 into evidence in any civil or criminal proceeding; provided, however, that nothing in this
74 Code section shall be construed to limit or restrict the right to discover or use in any civil
75 or criminal proceeding anything that is available from another source and entirely of the
76 committee's proceedings.

77 (2) Members of the committee shall not be questioned in any civil or criminal proceeding
78 regarding the information presented in or opinions formed as a result of a meeting or
79 communication of the committee; provided, however, that nothing in this Code section
80 shall be construed to prevent a member of the committee from testifying to information
81 obtained independently of the committee or which is public information.

82 (g) Reports of aggregated nonindividually identifiable data shall be compiled on a routine
83 basis for distribution in an effort to further study the causes and problems associated with
84 maternal deaths. Reports shall be distributed to the General Assembly, health care
85 providers and facilities, key government agencies, and others necessary to reduce the
86 maternal death rate."

87 **SECTION 2.**

88 All laws and parts of laws in conflict with this Act are repealed.