

SECOND REGULAR SESSION

HOUSE BILL NO. 2438

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

5091H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 192.990, RSMo, and to enact in lieu thereof one new section relating to duties of the pregnancy-associated mortality review board.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 192.990, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.990, to read as follows:

192.990. 1. There is hereby established within the department of health and senior services the "Pregnancy-Associated Mortality Review Board" to improve data collection and reporting with respect to maternal deaths. The department may collaborate with localities and with other states to meet the goals of the initiative.

2. For purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of health and senior services;

(2) "Maternal death", the death of a woman while pregnant or during the one-year period following the date of the end of pregnancy, regardless of the cause of death and regardless of whether a delivery, miscarriage, or death occurs inside or outside of a hospital.

3. The board shall be composed of no more than eighteen members, with a chair elected from among its membership. The board shall meet at least twice per year and shall approve the strategic priorities, funding allocations, work processes, and products of the board. Members of the board shall be appointed by the director of the department. Members shall serve four-year terms, except that the initial terms shall be staggered so that approximately one-third serve three-, four-, and five-year terms.

4. The board shall have a multidisciplinary and diverse membership that represents a variety of medical and nursing specialties, including, but not limited to, obstetrics and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 maternal-fetal care, as well as state or local public health officials, epidemiologists, statisticians,
19 community organizations, geographic regions, and other individuals or organizations that are
20 most affected by maternal deaths and lack of access to maternal health care services.

21 5. The duties of the board shall include, but not be limited to:

22 (1) Conducting ongoing comprehensive, multidisciplinary reviews of all maternal deaths;

23 (2) Identifying factors associated with maternal deaths;

24 (3) Reviewing medical records and other relevant data, which shall include, to the extent
25 available:

26 (a) A description of the maternal deaths determined by matching each death record of
27 a maternal death to a birth certificate of an infant or fetal death record, as applicable, and an
28 indication of whether the delivery, miscarriage, or death occurred inside or outside of a hospital;

29 (b) Data collected from medical examiner and coroner reports, as appropriate; and

30 (c) Using other appropriate methods or information to identify maternal deaths, including
31 deaths from pregnancy outcomes not identified under paragraph (a) of this subdivision;

32 (4) Consulting with relevant experts, as needed;

33 (5) Analyzing cases to produce recommendations for reducing maternal mortality;

34 (6) Disseminating recommendations to policy makers, health care providers and
35 facilities, and the general public;

36 (7) Recommending and promoting preventative strategies and making recommendations
37 for systems changes;

38 (8) Protecting the confidentiality of the hospitals and individuals involved in any
39 maternal deaths;

40 (9) Examining racial and social disparities in maternal deaths;

41 (10) Subject to appropriation, providing for voluntary and confidential case reporting of
42 maternal deaths to the appropriate state health agency by family members of the deceased, and
43 other appropriate individuals, for purposes of review by the board;

44 (11) Making publicly available the contact information of the board for use in such
45 reporting;

46 (12) Conducting outreach to local professional organizations, community organizations,
47 and social services agencies regarding the availability of the review board; ~~and~~

48 (13) Ensuring that data collected under this section is made available, as appropriate and
49 practicable, for research purposes, in a manner that protects individually identifiable or
50 potentially identifiable information and that is consistent with state and federal privacy laws; **and**

51 **(14) Considering the role of race, ethnicity, language, poverty, literacy, and other**
52 **social determinants of health, including racism at the interpersonal and system levels when**

53 **conducting multidisciplinary reviews of severe maternal morbidity, mortality, and other**
54 **clinically important metrics.**

55 6. The board may contract with other entities consistent with the duties of the board.

56 7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the
57 Director of the Centers for Disease Control and Prevention, the director of the department, the
58 governor, and the general assembly a report on maternal mortality in the state based on data
59 collected through ongoing comprehensive, multidisciplinary reviews of all maternal deaths, and
60 any other projects or efforts funded by the board. The data shall be collected using best practices
61 to reliably determine and include all maternal deaths, regardless of the outcome of the pregnancy
62 and shall include data, findings, and recommendations of the committee, and, as applicable,
63 information on the implementation during such year of any recommendations submitted by the
64 board in a previous year.

65 (2) The report shall be made available to the public on the department's website and the
66 director shall disseminate the report to all health care providers and facilities that provide
67 women's health services in the state.

68 8. The director of the department, or his or her designee, shall provide the board with the
69 copy of the death certificate and any linked birth or fetal death certificate for any maternal death
70 occurring within the state.

71 9. Upon request by the department, health care providers, health care facilities, clinics,
72 laboratories, medical examiners, coroners, law enforcement agencies, driver's license bureaus,
73 other state agencies, and facilities licensed by the department shall provide to the department
74 data related to maternal deaths from sources such as medical records, autopsy reports, medical
75 examiner's reports, coroner's reports, law enforcement reports, motor vehicle records, social
76 services records, and other sources as appropriate. Such data requests shall be limited to
77 maternal deaths which have occurred within the previous twenty-four months. No entity shall
78 be held liable for civil damages or be subject to any criminal or disciplinary action when
79 complying in good faith with a request from the department for information under the provisions
80 of this subsection.

81 10. (1) The board shall protect the privacy and confidentiality of all patients, decedents,
82 providers, hospitals, or any other participants involved in any maternal deaths. In no case shall
83 any individually identifiable health information be provided to the public or submitted to an
84 information clearinghouse.

85 (2) Nothing in this subsection shall prohibit the board or department from publishing
86 statistical compilations and research reports that:

87 (a) Are based on confidential information relating to mortality reviews under this
88 section; and

89 (b) Do not contain identifying information or any other information that could be used
90 to ultimately identify the individuals concerned.

91 (3) Information, records, reports, statements, notes, memoranda, or other data collected
92 under this section shall not be admissible as evidence in any action of any kind in any court or
93 before any other tribunal, board, agency, or person. Such information, records, reports, notes,
94 memoranda, data obtained by the department or any other person, statements, notes, memoranda,
95 or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part,
96 by any officer or representative of the department or any other person. No person participating
97 in such review shall disclose, in any manner, the information so obtained except in strict
98 conformity with such review project. Such information shall not be subject to disclosure under
99 chapter 610.

100 (4) All information, records of interviews, written reports, statements, notes,
101 memoranda, or other data obtained by the department, the board, and other persons, agencies,
102 or organizations so authorized by the department under this section shall be confidential.

103 (5) All proceedings and activities of the board, opinions of members of such board
104 formed as a result of such proceedings and activities, and records obtained, created, or
105 maintained under this section, including records of interviews, written reports, statements, notes,
106 memoranda, or other data obtained by the department or any other person, agency, or
107 organization acting jointly or under contract with the department in connection with the
108 requirements of this section, shall be confidential and shall not be subject to subpoena, discovery,
109 or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing
110 in this section shall be construed to limit or restrict the right to discover or use in any civil or
111 criminal proceeding anything that is available from another source and entirely independent of
112 the board's proceedings.

113 (6) Members of the board shall not be questioned in any civil or criminal proceeding
114 regarding the information presented in or opinions formed as a result of a meeting or
115 communication of the board; provided, however, that nothing in this section shall be construed
116 to prevent a member of the board from testifying to information obtained independently of the
117 board or which is public information.

118 11. The department may use grant program funds to support the efforts of the board and
119 may apply for additional federal government and private foundation grants as needed. The
120 department may also accept private, foundation, city, county, or federal moneys to implement
121 the provisions of this section.

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