

Assembly Bill No. 169—Assemblymen Monroe-Moreno, Miller, Bilbray-Axelrod, Carrillo, Benitez-Thompson; Assefa, Backus, Carlton, Cohen, Duran, Frierson, Gorelow, Hansen, Jauregui, Krasner, Martinez, Munk, Neal, Nguyen, Peters, Spiegel, Swank, Thompson, Torres and Yeager

Joint Sponsors: Senators Ratti, Cannizzaro, D. Harris; Cancela, Dondero Loop, Scheible, SeEVERS Gansert, Spearman and Woodhouse

CHAPTER.....

AN ACT relating to maternal health; establishing the Maternal Mortality Review Committee; requiring the Committee to review each incident of maternal mortality and severe maternal morbidity in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the director or another authorized representative of an agency which provides child welfare services to organize one or more multidisciplinary teams to review certain deaths of children. (NRS 432B.405) Existing law also establishes the Executive Committee to Review the Death of Children to review the report and recommendations of a multidisciplinary team to review the death of a child. (NRS 432B.408, 432B.409) **Section 6** of this bill establishes the Maternal Mortality Review Committee within the Department of Health and Human Services. **Section 6** requires the Director of the Department to appoint various persons who are interested in maternal health and welfare as members of the Committee. **Section 7** of this bill requires the Committee to: (1) review incidents of maternal mortality and, to the extent that resources are available, severe maternal morbidity in this State; (2) disseminate findings and recommendations concerning maternal mortality and severe maternal morbidity to providers of health care, medical facilities, other interested persons and the public; (3) publish an annual report consisting of data relating to maternal mortality and severe maternal morbidity; and (4) submit to the Legislature a biennial report containing a description of incidents reviewed by the Committee and recommendations to reduce maternal mortality and severe maternal morbidity in this State. **Section 8** of this bill authorizes the Committee to take measures necessary to perform those duties, including consulting with interested persons and entering into contracts. **Section 9** of this bill entitles the Committee to certain records it deems necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 9** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 9 and 10** of this bill provide that such records are not public records. **Sections 9 and 11** of this bill provide that meetings of the Committee are closed to the public.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Committee” means the Maternal Mortality Review Committee established by section 6 of this act.*

Sec. 4. *“Maternal mortality” means the death of a woman during pregnancy, childbirth or the 365 days immediately following the end of a pregnancy.*

Sec. 5. *“Severe maternal morbidity” means an unexpected incident during childbirth that has a serious negative effect on the short-term or long-term health of the mother.*

Sec. 6. 1. *The Maternal Mortality Review Committee is hereby established within the Department of Health and Human Services.*

2. *The Director shall appoint to the Committee not less than 6 members and not more than 12 members who:*

(a) Are providers of health care, representatives of nonprofit organizations whose work is related to health care or women’s issues, representatives of agencies involved in vital statistics, law enforcement and public health and other persons interested in maternal health and welfare; and

(b) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. *The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

4. *A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Committee.*

5. *A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political*



subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as deemed necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 9, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 9, inclusive, of this act.

Sec. 7. 1. The Committee shall:

(a) Identify and review each incident of maternal mortality in this State, regardless of the cause of death. Such a review must include, without limitation and to the extent that such records exist, a review of relevant medical records, birth and death certificates, records of an autopsy, records created by a medical facility or provider of emergency medical services, records of a social services agency, mental health records and records of a law enforcement agency described in section 9 of this act.

(b) Use the Maternal Mortality Review Information Application developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or, if that application ceases to exist, a similar application designated by the Director, to conduct reviews pursuant to paragraph (a).



(c) Within the limits of available resources, review incidents and trends in severe maternal morbidity in this State.

(d) Based on the reviews conducted pursuant to paragraphs (a) and (c), develop recommendations to prevent maternal mortality and severe maternal morbidity and disseminate findings and recommendations to providers of health care, medical facilities, other interested persons and entities and the public.

(e) On or before April 1 of each year, compile and publish on an Internet website operated by the Department a report that consists of data concerning maternal mortality and severe maternal morbidity in this State during the immediately preceding year. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.

(f) On or before December 31 of each even-numbered year and in collaboration with the Chief Medical Officer, develop and submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report that includes, without limitation:

(1) A description of the incidents of maternal mortality and severe maternal morbidity reviewed pursuant to paragraphs (a) and (c), respectively, during the immediately preceding 24 months, provided in a manner that does not allow for the identification of any person;

(2) Plans for corrective action to reduce maternal mortality and severe maternal morbidity in this State; and

(3) Recommendations for any legislation or other changes to policy to reduce maternal mortality and severe maternal morbidity or otherwise improve the delivery of health care in this State.

2. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 8. *The Committee may take any action necessary to carry out its duties, including, without limitation:*

1. Consulting with experts and other interested persons to ensure the data collected is of the highest quality;

2. Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university to assist the Committee with its organization and meetings, to collect, analyze and disseminate information or to assist in carrying out any other duty of the Committee;

3. Establishing subcommittees consisting of members of the Committee; and



4. Employing such persons as it deems necessary to carry out its duties.

Sec. 9. 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a maternal death or incident of severe maternal morbidity being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to the death or incident;

(c) Any medical or mental health records of the mother;

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the mother or the mother's family; and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of severe maternal morbidity being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a maternal death or incident of severe maternal morbidity for the purpose of research or to prevent future maternal mortality and severe maternal morbidity if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. The meetings of the Committee are closed to the public.



Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,



441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 9 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the



federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 11. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,



396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 12. Notwithstanding the provisions of paragraph (e) of subsection 1 of section 7 of this act, the first report required by that paragraph must be published on an Internet website operated by the Department on or before April 1, 2021.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.



