

1 **SENATE FLOOR VERSION**

2 April 4, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2152

By: Roe, Waldron, and Pittman
of the House

and

Dossett of the Senate

8
9 An Act relating to maternal mortality; amending 63
10 O.S. 2021, Section 1-242.4, which relates to
11 composition and structure of the Maternal Mortality
12 Review Committee; reducing and modifying membership;
13 requiring hospital or birthing center to report
14 certain maternal deaths to the Office of the Chief
15 Medical Examiner; amending 63 O.S. 2021, Section 938,
16 which relates to medicolegal investigations;
17 broadening types of deaths required to be
18 investigated; amending 63 O.S. 2021, Section 939,
19 which relates to production of records, documents,
20 evidence, or other material; authorizing Office of
21 the Chief Medical Examiner to share certain material
22 with the Maternal Mortality Review Committee for
23 specified purpose; updating statutory language;
24 providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-242.4, is
amended to read as follows:

1 Section 1-242.4. The Maternal Mortality Review Committee shall
2 be composed of ~~twenty five (25)~~ eleven (11) members, or their
3 designees, as follows:

4 1. ~~Eighteen~~ Eight of the members shall be:

5 a. ~~the Chief Medical Examiner,~~

6 ~~b.~~ the Chair of the Oklahoma Chapter of the American
7 College of Obstetricians and Gynecologists,

8 ~~c.~~ ~~the Chief Medical Officer of the State Department of~~
9 ~~Health,~~

10 ~~d.~~ ~~the Chief Medical Officer of the Oklahoma Health Care~~
11 ~~Authority,~~

12 ~~e.~~ b. the President of the Oklahoma Chapter of the American
13 College of Nurse-Midwives,

14 ~~f.~~ c. the Medical Director for the Oklahoma Perinatal
15 Quality Improvement Collaborative,

16 ~~g.~~ d. the Director of the Maternal and Child Health
17 ~~Services~~ Service of the State Department of Health,

18 ~~h.~~ ~~the Commissioner of Mental Health and Substance Abuse~~
19 ~~Services,~~

20 ~~i.~~ e. the Chair of the Oklahoma Chapter of the Association
21 of Women's Health, Obstetric and Neonatal Nurses,

22 ~~j.~~ ~~the Director of the Oklahoma State Bureau of~~
23 ~~Investigation,~~

- 1 ~~k.~~ the Director of Injury Prevention Services of the
2 State Department of Health,
- 3 ~~l.~~ the Director of the Family Support and Prevention
4 Service of the State Department of Health,
- 5 ~~m.~~ f. the Executive Director of the Southern Plains Tribal
6 Health Board,
- 7 ~~n.~~ the President of the Oklahoma Chapter of the National
8 Association of Social Workers,
- 9 ~~o.~~ g. the Director of the Office of Oklahoma Perinatal
10 Quality Improvement Collaborative,
- 11 ~~p.~~ the Director of the Oklahoma City/County Health
12 Department,
- 13 ~~q.~~ the Director of the Tulsa Health Department, and
- 14 ~~r.~~ h. the administrative program manager of the Maternal
15 and Child Health Service Perinatal and Reproductive
16 Health Division ~~Medical Director~~; and

17 2. ~~Seven~~ Three of the members shall be appointed by the State
18 Commissioner of Health to serve for two-year terms and shall be
19 eligible for reappointment. The members shall be persons having
20 training and experience in matters related to maternal mortality and
21 severe maternal morbidity. The members shall be appointed from the
22 following positions:
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24

- 1 a. a physician who is a member of the Oklahoma State
2 Medical Association or the Oklahoma Osteopathic
3 Association,
- 4 ~~b. a physician who is a member of the Oklahoma~~
5 ~~Osteopathic Association,~~
- 6 ~~c. a current law enforcement officer who is employed by a~~
7 ~~local or county law enforcement agency,~~
- 8 ~~d. a maternal-fetal medicine physician, and~~
- 9 ~~e. c.~~ an individual who has been affected by pregnancy-
10 related or pregnancy-associated deaths, severe
11 maternal morbidity, and/or lack of access to maternal
12 health care services,
- 13 ~~f. an emergency medical technician, and~~
- 14 ~~g. a home-visiting program director.~~

15 Every two (2) years the Committee shall elect from among its
16 membership a chair and a ~~vice-chair~~ vice chair. The Committee shall
17 meet at least quarterly and may meet more frequently as necessary as
18 determined by the chair.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-702f of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A hospital or birthing center shall make a reasonable and good-
23 faith effort to report to the Office of the Chief Medical Examiner,
24 within seventy-two (72) hours after the death occurs, any maternal

1 death that occurs in the hospital or birthing center during
2 pregnancy or within one (1) year of termination of pregnancy.

3 SECTION 3. AMENDATORY 63 O.S. 2021, Section 938, is
4 amended to read as follows:

5 Section 938. A. All human deaths of the types listed herein
6 shall be investigated as provided by law:

7 1. Violent deaths, whether apparently homicidal, suicidal, or
8 accidental;

9 2. Deaths under suspicious, unusual or unnatural circumstances;

10 3. Deaths related to disease which might constitute a threat to
11 public health;

12 4. Deaths unattended by a licensed physician for a fatal or
13 ~~potentially-fatal~~ potentially fatal illness;

14 5. Deaths that are medically unexpected and that occur in the
15 course of a therapeutic procedure;

16 6. Deaths of any persons detained or occurring in custody of
17 ~~penal incarceration~~ the Department of Corrections or a county jail;

18 ~~and~~

19 7. Deaths of persons whose bodies are to be cremated,
20 transported out of the state, donated to educational entities, to
21 include limited portions of the body, or otherwise made ultimately
22 unavailable for pathological study; and

23

24

1 8. Maternal deaths that occur during pregnancy or within one
2 (1) year of termination of pregnancy reported by a hospital or
3 birthing center under Section 2 of this act.

4 B. The Chief Medical Examiner shall state on the certificate of
5 death of all persons whose death was caused by execution pursuant to
6 a lawful court order that the cause of death was the execution of
7 such order.

8 SECTION 4. AMENDATORY 63 O.S. 2021, Section 939, is
9 amended to read as follows:

10 Section 939. A. Except as otherwise provided by law, the Chief
11 Medical Examiner shall produce records, documents, evidence or other
12 material of any nature only upon the order of a court of competent
13 jurisdiction. An interested party or litigant in a civil or
14 criminal action may make application for an order to produce such
15 materials. The court, after notice to all parties, including the
16 Chief Medical Examiner, and a hearing on the application, may, upon
17 the showing of good cause, direct the release of a copy or any part
18 of such material. In addition, the court may also direct the
19 payment of reasonable costs by the requesting party for the
20 production of the material. The production of such material shall
21 take place at the Office of the Chief Medical Examiner unless, upon
22 a showing of good cause, specifically ordered otherwise by the
23 court.

1 B. The Chief Medical Examiner may, to the extent allowed under
2 state law, share records, documents, evidence, or other material of
3 any nature with the Maternal Mortality Review Committee for the
4 purpose of aiding the Committee in carrying out its duties under the
5 Maternal Mortality Review Act.

6 SECTION 5. This act shall become effective November 1, 2024.

7 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
8 April 4, 2024 - DO PASS AS AMENDED BY CS

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