

1 **SENATE FLOOR VERSION**

2 April 10, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2334

6 By: Roberts (Sean) of the House

7 and

8 Quinn of the Senate

9 **[public health and safety - Maternal Mortality**
10 **Review Act -codification - effective date]**

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-242 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Maternal
16 Mortality Review Act", which shall have as its purpose the
17 coordination, development and enhancement of a system of maternal
18 health services in the state in order to decrease maternal
19 mortality.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-242.1 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 As used in the Maternal Mortality Review Act:

24 1. "Committee" means the Maternal Mortality Review Committee;

1 2. "Health care entity" means:

2 a. any hospital or related institution offering or
3 providing health care services,

4 b. any ambulatory surgical center offering or providing
5 health care services under a license,

6 c. the clinical practices of accredited allopathic and
7 osteopathic state medical schools, and

8 d. any other entity directly involved in the delivery of
9 health care services;

10 3. "Pregnancy-related" death means the death of a woman while
11 pregnant or within one (1) year of delivery or the end of pregnancy,
12 regardless of the duration and site of the pregnancy, from any cause
13 related to or aggravated by the pregnancy or its management, but not
14 from accidental or incidental causes; and

15 4. "Pregnancy-associated" death means the death of a woman,
16 from any cause, while she is pregnant or within one (1) year of
17 termination of pregnancy.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-242.2 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 A. There is hereby established the Maternal Mortality Review
22 Committee. The Committee shall have the power and duty to:

23 1. Conduct case reviews of the pregnancy-related and pregnancy-
24 associated maternal deaths of women in Oklahoma;

1 2. Improve the ability to provide high-quality, evidence-based
2 health care to women and infants in Oklahoma;

3 3. Identify gaps in the provision of health care services
4 including, but not limited to, quality of care, access to the most
5 appropriate health care, transportation and lack of financial
6 resources;

7 4. Review probable cause of death and identify contributing
8 factors;

9 5. Decide if the death was preventable, and if so what actions
10 could have been taken to prevent the death;

11 6. Identify action items related to issues identified to
12 improve the provision of health care and prevent future maternal
13 deaths;

14 7. Enter into agreements with other state, local and private
15 entities as necessary to carry out the duties of the Committee; and

16 8. Recommend rules to be promulgated as needed to and by the
17 State Commissioner of Health.

18 B. In carrying out its duties and responsibilities the
19 Committee shall:

20 1. Establish criteria for case review involving pregnancy-
21 related and pregnancy-associated maternal death or near death
22 subject to specific, in-depth review by the Committee;

23

24

1 2. Conduct review for all cases identified as pregnancy-related
2 and pregnancy-associated maternal deaths or near deaths where
3 sufficient information is obtainable to evaluate the case;

4 3. Establish and maintain statistical information related to
5 the deaths and near deaths necessary to compile data and identify
6 gaps in services or areas subject to improvement in the provision of
7 health care;

8 4. Establish procedures for obtaining information related to
9 the deaths necessary to accurately determine cause of death,
10 contributing factors, gaps in service and areas subject to
11 improvement in the provision of health care;

12 5. Contact family members and other affected or involved
13 persons to collect additional relevant data;

14 6. Request and obtain a copy of all records and reports
15 pertaining to the pregnancy-related and pregnancy-associated
16 maternal mortality or near-death case under review. All case
17 reviews shall remain in the possession of Committee staff and only
18 de-identified information will be presented to the Committee,
19 including but not limited to the following:

- 20 a. medical examiner reports,
- 21 b. hospital/health care entity records,
- 22 c. court records,
- 23 d. prosecutorial records,

24

- e. local, state, and federal law enforcement records including, but not limited to, the Oklahoma State Bureau of Investigation,
- f. fire department records,
- g. State Department of Health records, including birth and death certificate records,
- h. medical and dental records,
- i. Department of Mental Health and Substance Abuse Services and other mental health records,
- j. emergency medical service records, and
- k. pharmacy records.

Confidential information provided to the Committee shall be maintained by the Committee in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Committee or its members which is not authorized by law may maintain an action for damages, costs and attorney fees pursuant to The Governmental Tort Claims Act; and

7. Maintain all confidential information, documents and records in possession of the Committee as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through

1 those sources solely because such information, documents and records
2 were presented to or reviewed by the Committee.

3 C. The review and discussion of individual cases of pregnancy-
4 related and pregnancy-associated maternal death or near death shall
5 be conducted in executive session. Any discussion of individual
6 cases and any writing produced by or created by the Committee as the
7 result of its review shall be privileged and shall not be admissible
8 in evidence in any proceeding. All other business shall be
9 conducted in accordance with the provisions of the Oklahoma Open
10 Meeting Act.

11 D. A health care provider, health care facility, pharmacy or
12 any other entity providing access to medical records pursuant to
13 this statute shall not be held liable for civil damages or be
14 subject to any criminal or disciplinary action for good-faith
15 efforts in providing such records.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-242.3 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 A. In any investigation relating to the functions of the
20 Maternal Mortality Review Committee, the State Commissioner of
21 Health may require production of, by subpoena, any records,
22 including books, papers, documents, and other tangible things which
23 constitute or contain evidence which the Committee finds relevant to
24 the investigation and review, if the Committee has been unable to

1 obtain the necessary information by requesting it. The production
2 of records may be required from any place in the state to be
3 forwarded to the Committee. Reasonable copying fees shall be paid
4 upon request.

5 B. Compliance with the subpoena may be accomplished by:

6 1. Producing documents, as requested; or

7 2. Notifying the Committee, in writing, of refusal to produce
8 documents, within ten (10) days of the date of service.

9 The subpoena form shall clearly set forth the optional means of
10 compliance including instructions for sending written notice of
11 refusal.

12 C. A subpoena issued pursuant to this section may be served by
13 any person designated in the subpoena to serve it. Service upon a
14 natural person may be made by personal delivery of the subpoena to
15 the person. Service may be made upon a domestic or foreign
16 corporation or upon a partnership or other unincorporated
17 association which is subject to suit under a common name by
18 delivering the subpoena to an officer, to a managing or general
19 agent or to any other agent authorized by appointment or by law to
20 receive service of process. The affidavit of the person serving the
21 subpoena entered on a true copy thereof by the person serving it
22 shall be proof of service.

23 D. In the case of refusal to obey a subpoena issued to any
24 person, the Commissioner of Health may invoke the aid of any

1 district court within the jurisdiction where the investigation is
2 carried out, where the subpoenaed person is an inhabitant, or where
3 such person conducts business or may be found, to compel compliance
4 with the subpoena. The court may issue an order requiring the
5 subpoenaed person to appear before the Commissioner of Health to
6 produce records, if so ordered. Any failure to obey the order of
7 the court may be punished by the court as an indirect contempt
8 thereof. All processes in any such case may be served in any
9 judicial district in which such person may be found.

10 E. The district court of the county wherein the subpoena is
11 served may quash a subpoena issued pursuant to this section upon a
12 motion to quash the subpoena filed with the court by the party to
13 whom the subpoena is issued.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-242.4 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 The Maternal Mortality Review Committee shall be composed of
18 twenty-five (25) members, or their designees, as follows:

- 19 1. Eighteen of the members shall be:
- 20 a. the Chief Medical Examiner,
 - 21 b. the Chair of the Oklahoma Chapter of the American
22 College of Obstetricians and Gynecologists,
 - 23 c. the Chief Medical Officer of the State Department of
24 Health,

- 1 d. the Chief Medical Officer of the Oklahoma Health Care
2 Authority,
- 3 e. the President of the Oklahoma Chapter of the American
4 College of Nurse-Midwives,
- 5 f. the Medical Director for the Oklahoma Perinatal
6 Quality Improvement Collaborative,
- 7 g. the Director of Maternal and Child Health Services of
8 the State Department of Health,
- 9 h. the Commissioner of Mental Health and Substance Abuse
10 Services,
- 11 i. the Chair of the Oklahoma Chapter of the Association
12 of Women's Health, Obstetric and Neonatal Nurses,
- 13 j. the Director of the Oklahoma State Bureau of
14 Investigation,
- 15 k. the Director of Injury Prevention Services of the
16 State Department of Health,
- 17 l. the Director of the Family Support and Prevention
18 Service of the State Department of Health,
- 19 m. the Executive Director of the Southern Plains Tribal
20 Health Board,
- 21 n. the President of the Oklahoma Chapter of the National
22 Association of Social Workers,
- 23 o. the Director of the Office of Perinatal Quality
24 Improvement,

- 1 p. the Director of the Oklahoma City/County Health
- 2 Department,
- 3 q. the Director of the Tulsa Health Department, and
- 4 r. the Maternal and Child Health Service Perinatal and
- 5 Reproductive Health Division Medical Director; and

6 2. Seven of the members shall be appointed by the Commissioner
7 of Health to serve for a two-year term and shall be eligible for
8 reappointment. The members shall be persons having training and
9 experience in matters related to maternal mortality and severe
10 maternal morbidity. The members shall be appointed from the
11 following positions:

- 12 a. a physician who is a member of the Oklahoma State
- 13 Medical Association,
- 14 b. a physician who is a member of the Oklahoma
- 15 Osteopathic Association,
- 16 c. a current law enforcement officer who is employed by a
- 17 local or county law enforcement agency,
- 18 d. a maternal fetal medicine physician,
- 19 e. an individual who has been affected by pregnancy-
- 20 related or pregnancy-associated deaths, severe
- 21 maternal morbidity, and/or lack of access to maternal
- 22 health care services,
- 23 f. an emergency medical technician, and
- 24 g. a home-visiting program director.

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

5 SECTION 6. This act shall become effective November 1, 2019.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 April 10, 2019 - DO PASS AS AMENDED
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24