

An Act

ENROLLED HOUSE
BILL NO. 2334

By: Roberts (Sean), Stark and
Caldwell (Chad) of the
House

and

Quinn and Young of the
Senate

An Act relating to public health and safety; creating the Maternal Mortality Review Act; providing purpose; defining terms; establishing the Maternal Mortality Review Committee; providing termination date; providing powers and duties of the Committee; providing for investigation procedures; providing for Committee structure; providing for codification; and providing an effective date.

SUBJECT:

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

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

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

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

As used in the Maternal Mortality Review Act:

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

2. "Health care entity" means:

- a. any hospital or related institution offering or providing health care services,
- b. any ambulatory surgical center offering or providing health care services under a license,
- c. the clinical practices of accredited allopathic and osteopathic state medical schools, and
- d. any other entity directly involved in the delivery of health care services;

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

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

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

A. There is hereby created, to continue until November 1, 2029, the Maternal Mortality Review Committee. The Committee shall have the power and duty to:

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

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

3. Identify gaps in the provision of health care services including, but not limited to, quality of care, access to the most

appropriate health care, transportation and lack of financial resources;

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

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

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

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

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

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

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

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

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

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

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

6. Request and obtain a copy of all records and reports pertaining to the pregnancy-related and pregnancy-associated

maternal mortality or near-death case under review. All case reviews shall remain in the possession of Committee staff and only de-identified information will be presented to the Committee, including but not limited to the following:

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

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

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

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

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

A. In any investigation relating to the functions of the Maternal Mortality Review Committee, the State Commissioner of Health may require production of, by subpoena, any records, including books, papers, documents, and other tangible things which constitute or contain evidence which the Committee finds relevant to the investigation and review, if the Committee has been unable to obtain the necessary information by requesting it. The production of records may be required from any place in the state to be forwarded to the Committee. Reasonable copying fees shall be paid upon request.

B. Compliance with the subpoena may be accomplished by:

1. Producing documents, as requested; or
2. Notifying the Committee, in writing, of refusal to produce documents, within ten (10) days of the date of service.

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

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

D. In the case of refusal to obey a subpoena issued to any person, the Commissioner of Health may invoke the aid of any district court within the jurisdiction where the investigation is carried out, where the subpoenaed person is an inhabitant, or where such person conducts business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Commissioner of Health to produce records, if so ordered. Any failure to obey the order of the court may be punished by the court as an indirect contempt thereof. All processes in any such case may be served in any judicial district in which such person may be found.

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

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

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

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

- d. the Chief Medical Officer of the Oklahoma Health Care Authority,
- e. the President of the Oklahoma Chapter of the American College of Nurse-Midwives,
- f. the Medical Director for the Oklahoma Perinatal Quality Improvement Collaborative,
- g. the Director of Maternal and Child Health Services of the State Department of Health,
- h. the Commissioner of Mental Health and Substance Abuse Services,
- i. the Chair of the Oklahoma Chapter of the Association of Women's Health, Obstetric and Neonatal Nurses,
- j. the Director of the Oklahoma State Bureau of Investigation,
- k. the Director of Injury Prevention Services of the State Department of Health,
- l. the Director of the Family Support and Prevention Service of the State Department of Health,
- m. the Executive Director of the Southern Plains Tribal Health Board,
- n. the President of the Oklahoma Chapter of the National Association of Social Workers,
- o. the Director of the Office of Perinatal Quality Improvement,
- p. the Director of the Oklahoma City/County Health Department,
- q. the Director of the Tulsa Health Department, and
- r. the Maternal and Child Health Service Perinatal and Reproductive Health Division Medical Director; and

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

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

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

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

Passed the House of Representatives the 23rd day of May, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____