

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 849

By: Dossett (J.A.)

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6 AS INTRODUCED

7 An Act relating to maternal mortality; amending
8 Section 3, Chapter 473, O.S.L. 2019 (63 O.S. Supp.
9 2020, Section 1-242.2), which relates to Maternal
10 Mortality Review Committee; requiring compilation and
11 submission of certain report; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY Section 3, Chapter 473, O.S.L.
15 2019 (63 O.S. Supp. 2020, Section 1-242.2), is amended to read as
16 follows:

17 Section 1-242.2. A. There is hereby created, to continue until
18 November 1, 2029, the Maternal Mortality Review Committee. The
19 Committee shall have the power and duty to:

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

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

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

1 appropriate health care, transportation and lack of financial
2 resources;

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

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

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

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

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

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

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

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

22 3. Establish and maintain statistical information related to
23 the deaths and near deaths necessary to compile data and identify
24 gaps in services or areas subject to improvement in the provision of
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1 health care. The Committee shall compile an annual report of such
2 statistical information and submit the report to the Chair of the
3 Senate Health and Human Services Committee and the Chair of the
4 House Public Health Committee;

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

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

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

- 17 a. medical examiner reports,
- 18 b. hospital/health care entity records,
- 19 c. court records,
- 20 d. prosecutorial records,
- 21 e. local, state, and federal law enforcement records
22 including, but not limited to, the Oklahoma State
23 Bureau of Investigation,
- 24 f. fire department records,

- 1 g. State Department of Health records, including birth
- 2 and death certificate records,
- 3 h. medical and dental records,
- 4 i. Department of Mental Health and Substance Abuse
- 5 Services and other mental health records,
- 6 j. emergency medical service records, and
- 7 k. pharmacy records.

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

15 7. Maintain all confidential information, documents and records
16 in possession of the Committee as confidential and not subject to
17 subpoena or discovery in any civil or criminal proceedings; provided
18 however, information, documents and records otherwise available from
19 other sources shall not be exempt from subpoena or discovery through
20 those sources solely because such information, documents and records
21 were presented to or reviewed by the Committee.

22 C. The review and discussion of individual cases of pregnancy-
23 related and pregnancy-associated maternal death or near death shall
24 be conducted in executive session. Any discussion of individual

1 cases and any writing produced by or created by the Committee as the
2 result of its review shall be privileged and shall not be admissible
3 in evidence in any proceeding. All other business shall be
4 conducted in accordance with the provisions of the Oklahoma Open
5 Meeting Act.

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

11 SECTION 2. This act shall become effective November 1, 2021.

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