

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Chapter 324, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4               **"PART . MATERNAL MORTALITY REVIEW PANEL**

5               **§324-A Definitions.** As used in this part, unless the  
6 context otherwise requires:

7               "Department" means the department of health.

8               "Director" means the director of health or the director's  
9 designee.

10              "Family" means:

11              (1) Spouse;

12              (2) Each legal parent;

13              (3) The natural mother;

14              (4) The natural father;

15              (5) The adjudicated, presumed, or concerned natural father  
16 as defined in section 578-2;

17              (6) Each parent's spouse or former spouses;



1 (7) Each sibling or person related by consanguinity or  
2 marriage;

3 (8) Each person residing in the same dwelling unit; and

4 (9) Any other person who, or legal entity that, is a  
5 child's legal or physical custodian or guardian, or  
6 who is otherwise responsible for the child's care,  
7 other than an authorized agency that assumes such a  
8 legal status or relationship with the child under  
9 chapter 587A.

10 "Individually identifiable information" means the same as  
11 45 Code of Federal Regulations section 164.402, as may be  
12 amended;

13 "Maternal mortality", "maternal death", or "maternal  
14 mortality event" means any one of the following:

15 (1) Pregnancy-related death, which is the death of a woman  
16 while pregnant or within one year after a pregnancy,  
17 regardless of whether the pregnancy is normal or  
18 ectopic, from any cause related to or aggravated by  
19 the woman's pregnancy or its management, but not from  
20 accidental or incidental causes;



1 (2) Pregnancy-associated death, which is the death of a  
2 woman while pregnant or within one year after a  
3 pregnancy, irrespective of cause; or

4 (3) Pregnancy-associated, but not pregnancy-related death,  
5 which is the death of a woman while pregnant or within  
6 one year after a pregnancy due to a cause unrelated to  
7 pregnancy.

8 "Maternal mortality review information" means information  
9 regarding the woman and woman's family including, but not  
10 limited to:

- 11 (1) Social, medical, and legal histories;
- 12 (2) Death and birth certificates;
- 13 (3) Law enforcement investigative data;
- 14 (4) Medical examiner or coroner investigative data;
- 15 (5) Parole and probation information and records;
- 16 (6) Information and records of social service agencies;
- 17 (7) Educational records; and
- 18 (8) Health care institution information and records.

19 "Panel" means the Hawaii maternal mortality review panel,  
20 established pursuant to section 324-B.



1 "Provider of medical care" means any health care  
2 practitioner who provides any medical evaluation or treatment,  
3 or any facility through which health care is provided, including  
4 dental and mental health evaluation or treatment.

5 **§324-B Hawaii maternal mortality review panel;**

6 **established.** (a) There is established the Hawaii maternal  
7 mortality review panel, which shall be placed within the  
8 department for administrative purposes only. The purpose of the  
9 panel is to conduct comprehensive, multidisciplinary reviews of  
10 maternal deaths in the State to identify factors associated with  
11 the deaths and make recommendations for system changes to  
12 improve health care services for women in the State. The  
13 members of the panel shall be appointed by the director, in  
14 collaboration with the organizations listed below, and shall  
15 consist of:

16 (1) Three members from the Hawaii section of the American  
17 Congress of Obstetricians and Gynecologists, and of  
18 the three members, there shall be at least one  
19 generalist and at least one maternal fetal medicine  
20 specialist;



- 1           (2) One member from the Hawaii chapter of the American
- 2           Academy of Pediatrics specializing in neonatology;
- 3           (3) One member from the Hawaii medical association;
- 4           (4) One member from the Hawaii chapter of the American
- 5           College of Nurse-Midwives;
- 6           (5) One member from the Hawaii section of the Association
- 7           of Women's Health, Obstetric and Neonatal Nurses;
- 8           (6) The head of the department's maternal and child health
- 9           branch, or a designee;
- 10          (7) An epidemiologist from the department with experience
- 11          analyzing perinatal data, or a designee;
- 12          (8) The chief medical examiner, pathologist, or designee;
- 13          and
- 14          (9) A representative of community mental health centers in
- 15          the State;

16 provided that the chair of the panel may invite nonvoting expert  
17 consultants to its meetings.

18           (b) The terms of the members shall be three years;  
19 provided that the initial members' terms shall be staggered in a  
20 manner to be determined by the director. The director shall  
21 appoint the initial chair of the panel, who shall call the first



1 meeting of the panel and serve as chair for six months, after  
2 which time the panel shall elect its chair. Members of the  
3 panel shall serve without compensation but shall be reimbursed  
4 for actual and necessary expenses, including travel, board, and  
5 lodging incurred in the performance of panel activities.

6 (c) The director shall delegate to the panel the functions  
7 of collecting, analyzing, and disseminating maternal mortality  
8 review information; organizing and convening meetings of the  
9 panel; and performing other substantive and administrative tasks  
10 as may be incident to these activities. The activities of the  
11 panel and its employees or agents shall be subject to the same  
12 confidentiality provisions as apply to members of the panel.

13 **§324-C Panel duties.** (a) The panel, in collaboration  
14 with the director, shall conduct comprehensive and  
15 multidisciplinary reviews of maternal mortality in Hawaii. The  
16 panel shall not be subject to part I of chapter 92.

17 (b) The panel may invite consultants to attend reviews of  
18 maternal mortality events. Each consultant shall be subject to  
19 the same confidentiality provisions that apply to panel members.

20 (c) The panel shall be responsible for disseminating the  
21 panel's recommendations to the members' institution or



1 professional organization as applicable. The panel's  
2 recommendations shall not contain any information that would  
3 permit identification of a person and shall be disseminated  
4 through the institution's or organization's quality assurance  
5 program to protect the confidentiality of all persons involved  
6 in any maternal mortality event.

7 (d) The panel shall not have the power to:

8 (1) Call witnesses or take testimony from any individual  
9 involved in the investigation of a maternal death; or

10 (2) Enforce any public health standard or criminal law, or  
11 otherwise participate in any legal proceeding, except  
12 to the extent that a member of the panel is involved  
13 in the investigation of a maternal death or resulting  
14 prosecution and participates in the legal proceeding  
15 in the course of performing a member's duties outside  
16 of the panel.

17 (e) The director, in collaboration with the panel, shall  
18 submit an annual written report to the legislature no later than  
19 twenty days prior to the convening of each regular session on  
20 the panel's activities and incidents of maternal deaths in the  
21 State. The report shall include statistics setting forth the



1 number of maternal deaths in the State, identifiable trends in  
2 maternal deaths, including possible causes, and recommendations  
3 for system changes, including any proposed legislation.

4       **§324-D Access to information.** (a) All providers of  
5 medical care and state and county agencies shall report all  
6 maternal mortality events to the director.

7       (b) Upon written request of the director, all providers of  
8 medical care and state and county agencies shall disclose to the  
9 department, and those individuals appointed by the director to  
10 the panel, maternal mortality review information regarding the  
11 circumstances of a maternal death so that the department may  
12 conduct a multidisciplinary review of maternal mortality  
13 pursuant to section 321-31 and this part.

14       (c) To the extent that this section conflicts with other  
15 state confidentiality laws, this section shall prevail.

16       **§324-E Exception.** Information regarding an ongoing civil  
17 or criminal investigation shall be disclosed at the discretion  
18 of the applicable state, county, or federal law enforcement  
19 agency.

20       **§324-F Use of maternal mortality review information and**  
21 **records.** (a) Except as otherwise provided in this part, all





1 maternal mortality review information acquired by the department  
2 during its review of maternal deaths pursuant to this part, is  
3 confidential and may only be disclosed as necessary to carry out  
4 the purposes of this part.

5 (b) The department will redact any personally identifiable  
6 information prior to sharing it with panel members.

7 (c) General maternal mortality review information and  
8 statistical compilations of data that do not contain any  
9 information that would permit the identification of any person  
10 shall be public records.

11 (d) The panel and every panel member shall maintain the  
12 confidentiality of the maternal mortality review information and  
13 all information obtained as part of the panel proceedings.  
14 Neither the panel nor any panel member shall release or re-  
15 disclose information obtained as part of the panel proceedings.

16 (e) No individual participating in the panel's review of a  
17 maternal death shall be questioned in any civil or criminal  
18 proceeding regarding information presented in or opinions formed  
19 as a result of a panel meeting. Nothing in this subsection  
20 shall be construed to prevent a person from testifying to  
21 information obtained independently of the department's request



1 for maternal mortality review information or the panel's review  
2 of the maternal death, or which is public information, or where  
3 disclosure is required by a court of law.

4 (f) Maternal mortality review information held by the  
5 department as a result of maternal mortality reviews conducted  
6 under this part shall not be subject to subpoena, discovery, or  
7 introduction into evidence in any civil or criminal proceeding,  
8 except that maternal mortality review information otherwise  
9 available from other sources shall not be immune from subpoena,  
10 discovery, or introduction into evidence through those sources  
11 solely because they were provided as required by this part.

12 (g) The director shall have access to individually  
13 identifiable information relating to each maternal mortality  
14 event on a case-by-case basis where public health is at risk.

15 (h) The director may retain identifiable information  
16 regarding facilities where a maternal mortality event occurred  
17 and geographic information on each maternal mortality event  
18 solely for the purposes of trending and analysis of maternal  
19 mortality events over time.

20 **§324-G Immunity from liability.** The panel, the panel  
21 members, any medical provider, state or county agency, or



1 individual participating in, or cooperating in, the review of a  
2 maternal death pursuant to this part shall not be held civilly  
3 or criminally liable for providing the information required  
4 under this part.

5 **§324-H Rules.** The director, with the advice and  
6 recommendation of a majority of the members of the panel, shall  
7 adopt rules pursuant to chapter 91 related to the following:

- 8 (1) The system for identifying and reporting maternal  
9 mortality events to the director;
- 10 (2) The form and manner through which the director and the  
11 members of the panel may acquire information pursuant  
12 to this part;
- 13 (3) The protocol to be used in contacting a family member  
14 of the deceased woman for a discussion of the maternal  
15 mortality event, including allowing family members to  
16 delay or refuse such a discussion; and
- 17 (4) The confidentiality provisions of this part."

18 SECTION 2. Section 324-1, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§324-1 Sources of information protected.** Any person,  
21 hospital, sanitorium, nursing or rest home, or other similar



1 medical facility may provide information, interviews, reports,  
2 statements, memoranda, or other data or material relating to the  
3 condition and treatment of any person to the [~~maternal and~~  
4 ~~perinatal mortality study committee of the Hawaii Medical~~  
5 ~~Association, any in hospital staff committee, or~~] the department  
6 of health, to be used in the course of [~~any~~] study for the  
7 purpose of reducing morbidity or mortality.

8 No liability of any kind or character for damages or other  
9 relief shall arise or be enforced against any person or  
10 organization by reason of having provided the information or  
11 material, or by reason of having released or published the  
12 findings, conclusions, and summaries of the research or study  
13 committees to advance medical research and medical education."

14 SECTION 3. Section 324-2, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§324-2 Identification of persons studied; restriction.**

17 [~~The maternal and perinatal mortality study committee of the~~  
18 ~~Hawaii Medical Association, the department of health, or any in-~~  
19 ~~hospital staff committee]~~ The maternal mortality review panel  
20 shall use or publish this material only for the purpose of  
21 advancing medical research, medical education, or education of



1 the public in the interest of reducing morbidity or mortality.  
 2 In all events, the identity, or any group of facts which tends  
 3 to lead to the identity[7] of any person whose condition or  
 4 treatment has been studied shall be confidential and shall not  
 5 be revealed [~~under any circumstances~~]."

6 SECTION 4. There is appropriated out of the general  
 7 revenues of the State of Hawaii the sum of \$10,000 or so much  
 8 thereof as may be necessary for fiscal year 2015-2016 and the  
 9 same sum or so much thereof as may be necessary for fiscal year  
 10 2016-2017 for the implementation and operation of the panel.

11 The sums appropriated shall be expended by the department  
 12 of health for purposes of this Act.

13 SECTION 5. In codifying the new sections added by section  
 14 1 of this Act, the revisor of statutes shall substitute  
 15 appropriate section numbers for the letters used in designating  
 16 the new sections in this Act.

17 SECTION 6. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 2015.  
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INTRODUCED BY:

*Josh Green*

*Sen. Scott Low*

*Michelle Sedani*

*Will Egan*

*Michelle Sedani*



S.B. NO. 304

Rosely H. Bab

Amor Mercado K

Paul E. P



# S.B. NO. 304

**Report Title:**

Maternal Mortality Review Panel; Department of Health;  
Appropriation

**Description:**

Establishes the Hawaii maternal mortality review panel within the department of health to conduct a comprehensive review of maternal deaths that have occurred in the State.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

