

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2334

 By: Roberts (Sean)

7 AS INTRODUCED

8 An Act relating to public health and safety; creating
9 the Maternal Mortality Review Act; providing purpose;
10 defining terms; establishing the Maternal Mortality
11 Review Committee; providing powers and duties to the
12 Committee; providing for investigation procedures;
13 providing for Committee structure; providing for
14 codification; and providing an effective date.

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

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

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

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

4 As used in the Maternal Mortality Review Act:

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

6 2. "Health care entity" means:

7 a. any hospital or related institution offering or
8 providing health care services,

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

11 c. the clinical practices of accredited allopathic and
12 osteopathic state medical schools, and

13 d. any other entity directly involved in the delivery of
14 health care services;

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

20 4. "Pregnancy-associated" death means the death of woman, from
21 any cause, while she is pregnant or within one year of termination
22 of pregnancy.

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

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

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

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

10 3. Identify gaps in the provision of health care services
11 including, but not limited to, quality of care, access to the most
12 appropriate health care, transportation and lack of financial
13 resources;

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

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

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

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

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

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

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

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

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

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

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

19 6. Request and obtain a copy of all records and reports
20 pertaining to the pregnancy-related and pregnancy-associated
21 maternal mortality or near death case under review. All case
22 reviews shall remain in the possession of Committee staff and only
23 de-identified information will be presented to the Committee,
24 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

1 subpoena or discovery in any civil or criminal proceedings; provided
2 however, information, documents and records otherwise available from
3 other sources shall not be exempt from subpoena or discovery through
4 those sources solely because such information, documents and records
5 were presented to or reviewed by the Committee.

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

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

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

22 A. In any investigation relating to the functions of the
23 Maternal Mortality Review Committee, the State Commissioner of
24 Health may require production of, by subpoena, any records,

1 including books, paper, documents, and other tangible things which
2 constitute or contain evidence which the Committee finds relevant to
3 the investigation and review, if the Committee has been unable to
4 obtain the necessary information by requesting it. The production
5 of records may be required from any place in the state to be
6 forwarded to the Committee. Reasonable copying fees shall be paid
7 upon request.

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

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

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

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

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

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

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

21 The Maternal Mortality Review Committee shall be structured as
22 follows:

23 1. The State Department of Health shall provide staffing for
24 the Committee.

1 2. Members of the Committee shall receive no compensation or
2 travel reimbursement for serving on the Committee.

3 3. The Committee shall be composed of the following members, or
4 their designees, as follows:

- 5 a. the Chair of the Oklahoma Chapter of American College
6 of Obstetricians and Gynecologists,
- 7 b. the Chief Medical Officer of the State Department of
8 Health,
- 9 c. the Chief Medical Officer of the Oklahoma Health Care
10 Authority,
- 11 d. the President of the Oklahoma Chapter of American
12 College of Nurse-Midwives,
- 13 e. the Medical Director for the Oklahoma Perinatal
14 Quality Improvement Collaborative,
- 15 f. the Chair of the Oklahoma Chapter of Association of
16 Women's Health, Obstetric and Neonatal Nurses,
- 17 g. the Director of the Maternal and Child Health Service
18 of the State Department of Health,
- 19 h. the Director of the Injury Prevention Service of the
20 State Department of Health,
- 21 i. the Chief Medical Examiner,
- 22 j. the Director of the Oklahoma State Bureau of
23 Investigation,
- 24

- 1 k. the Commissioner of Mental Health and Substance Abuse
2 Services,
3 l. the Executive Director of the Southern Plains Tribal
4 Health Board, and
5 m. the President of the Oklahoma Chapter of the National
6 Association of Social Workers;

7 4. Additional professionals may be appointed by the
8 Commissioner of Health as ex-officio nonvoting members to create a
9 comprehensive, multidisciplinary team, and may include, but are not
10 limited to, representatives of the following disciplines and/or
11 entities: maternal fetal medicine, obstetrics, family practice,
12 labor and delivery nursing, psychology, psychiatry, emergency
13 medical services, law enforcement, public health, home visiting,
14 philanthropic foundations, Oklahoma State Medical Association,
15 Oklahoma Osteopathic Association and the Oklahoma Hospital
16 Association. Appointed members of the Committee shall serve at the
17 pleasure of and may be removed by the Commissioner of Health.
18 Members shall continue to serve until their successors are
19 appointed.

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/05/2019 -
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