

HOUSE BILL No. 2244

By Committee on Health and Human Services

2-1

1 AN ACT concerning health and health care; relating to the department for
2 health and environment; establishing the maternal mortality review
3 committee.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) There is hereby established the maternal mortality
7 review committee within the department of health and environment. The
8 purpose of the committee is to review maternal deaths and to develop
9 strategies for the prevention thereof.

10 (b) The committee shall be multidisciplinary and composed of nine or
11 ten members who shall be appointed by the secretary for health and
12 environment as follows:

13 (1) The secretary for health and environment or the secretary's
14 designee;

15 (2) the director of the division of maternal and child health of the
16 department of health and environment or the director's designee;

17 (3) a licensed physician with training in obstetrics;

18 (4) a licensed physician with training in neonatology;

19 (5) a licensed physician with training in perinatology;

20 (6) a certified nurse-midwife;

21 (7) a hospital-based nurse with experience in obstetrics, labor and
22 delivery, postpartum or maternity care;

23 (8) a member of the Kansas coroner's association; and

24 (9) up to two additional members from multiple disciplines and
25 relevant organizations, such as law enforcement, community health
26 entities, department of health and environment statisticians or nosologists
27 or county health officers.

28 (c) Members of the maternal mortality review committee shall serve
29 for a period of three years and shall elect a chair and a vice-chair whose
30 duties shall be established by the committee. The department of health and
31 environment shall fix a time and place for regular meetings of the
32 committee, which shall meet at least twice yearly.

33 (d) Members of the committee shall serve without compensation, but
34 shall be reimbursed for their actual and necessary expenses incurred in the
35 performance of their duties.

36 (e) The committee may contract with an external organization to

1 assist in collecting, analyzing and disseminating maternal mortality
 2 information, organizing and convening meetings of the committee and
 3 other tasks as may be incidental to these activities, including providing the
 4 necessary data, information and resources to ensure successful completion
 5 of the ongoing review required by this section.

- 6 (f) The committee shall:
- 7 (1) Identify maternal death cases;
 - 8 (2) review medical records and other relevant data;
 - 9 (3) contact family members and other affected or involved persons to
 10 collect additional relevant data;
 - 11 (4) consult with relevant experts to evaluate the records and data;
 - 12 (5) make determinations regarding the preventability of maternal
 13 deaths;
 - 14 (6) develop recommendations for the prevention of maternal deaths;
 15 and
 - 16 (7) disseminate findings and recommendations to policy makers,
 17 health care providers, health care facilities and the general public.

18 (g) (1) Health care providers licensed pursuant to chapters 65 and 74
 19 of the Kansas Statutes Annotated, and amendments thereto; medical care
 20 facilities licensed pursuant to article 4 of chapter 65 of the Kansas Statutes
 21 Annotated, and amendments thereto, maternity centers licensed pursuant
 22 to article 5 of chapter 65 of the Kansas Statutes Annotated, and
 23 amendments thereto, and pharmacies licensed pursuant to article 16 of
 24 chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
 25 shall provide reasonable access to all relevant medical records associated
 26 with a case under review by the committee.

27 (2) A health care provider, medical care facility, maternity center or
 28 pharmacy providing access to medical records pursuant to this section
 29 shall not be held liable for civil damages or be subject to criminal or
 30 disciplinary action for good faith efforts in providing such records.

31 (h) (1) Information, records, reports, statements, notes, memoranda or
 32 other data collected pursuant to this section shall be privileged and
 33 confidential and shall not be admissible as evidence in any action of any
 34 kind in any court or before another tribunal, board, agency or person. Such
 35 information, records, reports, statements, notes, memoranda or other data
 36 shall not be exhibited nor their contents disclosed in any way, in whole or
 37 in part, by any officer or representative of the department or any other
 38 person, except as may be necessary for the purpose of furthering the
 39 review of the committee of the case to which they relate. No person
 40 participating in such review shall disclose, in any manner, the information
 41 so obtained in strict conformity with such review project.

42 (2) All information, records of interviews, reports, statements, notes,
 43 memoranda or other data obtained by the department, the committee and

1 other persons, agencies or organizations so authorized by the department
2 pursuant to this section shall be confidential.

3 (i) (1) All proceedings and activities of the committee under this
4 section, opinions of members of such committee formed as a result of such
5 proceedings and activities and records obtained, created or maintained
6 pursuant to this section, including records of interviews, written reports
7 and statements procured by the department of health and environment or
8 any other person, agency or organization acting jointly or under contract
9 with the department of health and environment in connection with the
10 requirements of this section, shall be confidential and not subject to the
11 provisions of the open records act, the open meetings act, or subject to
12 subpoena, discovery or introduction into evidence in any civil or criminal
13 proceeding. Nothing in this section shall be construed to limit or otherwise
14 restrict the right to discover or use in any civil or criminal proceeding
15 anything that is available from another source and entirely independent of
16 the committee's proceedings.

17 (2) Members of the committee shall not be questioned in any civil or
18 criminal proceeding regarding the information presented in or opinions
19 formed as a result of a meeting or communication of the committee.
20 Nothing in this section shall be construed to prevent a member of the
21 committee from testifying to information obtained independently of the
22 committee or that is public information.

23 (j) The provisions of subsections (h) and (i) shall expire on July 1,
24 2022, unless the legislature acts to review and reenact the provisions prior
25 to July 1, 2022.

26 (k) Reports of aggregate non-individually identifiable data shall be
27 compiled on a routine basis for distribution in an effort to further study the
28 causes and problems associated with maternal deaths. Reports shall be
29 distributed to health care providers and facilities and others necessary to
30 reduce the maternal death rate.

31 Sec. 2. This act shall take effect and be in force from and after its
32 publication in the statute book.