

MATERNAL MORTALITY REVIEW ACT - ENACTMENT

Act of May 9, 2018, P.L. 118, No. 24

Cl. 35

An Act

Establishing the Maternal Mortality Review Committee and providing for its powers and duties; providing for duties of the Department of Health; and imposing a penalty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Maternal Mortality Review Act.

Section 2. Legislative findings.

The General Assembly finds and declares as follows:

(1) Maternal deaths are a serious public health concern and have a tremendous familial and societal impact. Maternal deaths are significantly underestimated and inadequately documented, preventing efforts to identify and reduce or eliminate the causes of death.

(2) No processes exist in this Commonwealth for the confidential identification, investigation or dissemination of findings regarding maternal deaths.

(3) There is a need to establish a maternal mortality review program to review maternal deaths and to develop strategies for the prevention of maternal deaths.

(4) The Centers for Disease Control and Prevention recommend that maternal deaths should be investigated through a State-based maternal mortality review committee in order to institute the systemic changes needed to decrease maternal mortality.

(5) There is a need to establish a formal process for the confidential identification and investigation of individual cases followed by the dissemination of aggregated, nonindividually identifiable findings regarding maternal deaths in this Commonwealth.

(6) There is a need to adopt programs, policies, recommendations and strategies based on collected data to prevent maternal deaths.

(7) There is a need to provide public information and education regarding the incidence and causes of maternal deaths and the reduction of risks to health care providers and facilities, key government agencies and the public.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Committee." The Maternal Mortality Review Committee.

"Department." The Department of Health of the Commonwealth.

"Maternal death." The death of a woman during pregnancy or within one year after the pregnancy has ended through childbirth, stillbirth or other means. Maternal deaths may be pregnancy related or pregnancy associated.

"Pregnancy-associated death." The death of a woman while pregnant or within one year of delivery or end of pregnancy from any cause unrelated to the pregnancy.

"Pregnancy-related death." The death of a woman while pregnant or within one year of delivery or end of pregnancy from any cause related to or aggravated by the pregnancy or its management.

"Secretary." The Secretary of Health of the Commonwealth.

Section 4. Maternal Mortality Review Committee.

(a) Establishment.--The Maternal Mortality Review Committee is established within the department.

(b) Members.--The committee shall consist of the following members:

- (1) The secretary or a designee authorized to act on behalf of the secretary.
- (2) An obstetrician.
- (3) A maternal-fetal medicine specialist.
- (4) A certified nurse-midwife.
- (5) A registered nurse representing maternal health care.
- (6) A psychiatrist.
- (7) An addiction medicine specialist.
- (8) A social worker or social service provider.
- (9) A medical examiner or coroner responsible for recording deaths.
- (10) An emergency medical services provider.
- (11) A health statistician.
- (12) A representative of the department's Bureau of Family Health programs.
- (13) Three individuals specializing in emergency medicine, family medicine, pathology, anesthesiology, cardiology, critical care or any other relevant medical specialty.
- (14) Additional personnel at the discretion of the secretary.

(c) Consultation.--The committee may consult with any relevant experts or stakeholders who may or may not represent one of the areas of expertise set forth in subsection (b). In consulting with individuals, a member of the committee or employee of the department may not disclose any identifying information of a patient or health care provider.

(d) Appointment of members and chairperson.--The secretary shall appoint the members of the committee and a chairperson within 60 days of the effective date of this section. Members shall serve at the discretion of the secretary. In appointing members to the committee, the secretary shall:

- (1) Include members from various geographic regions in this Commonwealth, including both rural and urban areas, and from both academic and community-based hospitals and health networks that are of varying size.
- (2) Endeavor to include members who are working in and representing communities that are most affected by maternal deaths and by a lack of access to relevant perinatal and intrapartum care services.
- (3) Include members who represent several academic disciplines and professional specializations essential to reviewing cases of maternal deaths.

(e) Meetings.--The committee shall meet when necessary, at least once annually, to fulfill the duties and goals of the committee. The initial meeting of the committee shall be held within 90 days of the effective date of this section.

(f) Reimbursement.--Committee members shall serve without compensation.

(g) Confidentiality agreement.--Committee members and any person appearing before the committee shall sign a confidentiality agreement applicable to all proceedings and reviews conducted by the committee.

(h) Committee support.--The department shall provide staff necessary to administer and manage this act.

(i) Severe maternal morbidity data.--The department shall annually publish severe maternal morbidity data using hospitalization discharge data obtained from the Pennsylvania Health Care Cost Containment Council. This data also shall be included in the report submitted by the committee under section 5(b)(5). ((i) added July 5, 2023, P.L.27, No.5)
Section 5. Purpose and duties of committee.

(a) Purpose.--The purpose of the committee is to conduct a multidisciplinary review of maternal deaths and develop recommendations for the prevention of future maternal deaths.

(b) Duties.--The following apply:

(1) The committee shall review maternal death cases identified by the department from sources including, but not limited to, the following:

(i) Pregnancy check boxes on a decedent's death certificate.

(ii) Vital statistics linkage of birth, fetal death and induced termination of pregnancy records with death records.

(iii) Direct referrals from health care facilities and health care providers.

(iv) Medical examiners and coroners.

(2) In conducting a review of a maternal death case, the committee may review the following:

(i) Medical examiner and coroner's reports or postmortem examination records.

(ii) Death certificates and birth certificates.

(iii) Law enforcement records and interviews with law enforcement officials as long as the release of the records will not jeopardize an ongoing criminal investigation or proceeding.

(iv) Medical records from hospitals and other health care providers.

(v) Information made available by firefighters or emergency services personnel.

(vi) Reports and records made available by the court to the extent permitted by law or court rule.

(vii) Reports to animal control.

(viii) Emergency medical services records.

(ix) Traffic fatality reports.

(x) Department of Human Services records.

(xi) Any other records necessary to conduct the review.

(3) Data under paragraph (2) is not limited to summaries, annual reports, abstracts or other abbreviated documents. There shall be a presumption that data requested by the committee shall be relevant and shall be provided to the committee. No data shall be withheld from the committee absent a showing of good cause.

(4) The committee shall summarize causes of death and findings and report recommendations regarding the prevention of maternal deaths.

(5) The committee shall disseminate aggregated, nonindividually identifiable findings and recommendations at least every year to the secretary, the chairperson of the Health and Human Services Committee of the Senate, the chairperson of the Health Committee of the House of Representatives, health care providers, health care facilities and the general public. ((5) amended July 5, 2023, P.L.27, No.5)

Section 6. Authority to access data.

(a) Medical records.--Notwithstanding any other provision of law and consistent with the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936), health care facilities and health care providers shall provide medical records of the deceased under review without the authorization of a person in interest to the committee for purposes of review under this act.

(b) Other records.--Other records pertaining to the deceased under review for the purposes of this act shall be open to inspection as permitted by law.

(c) Access.--Licensed health care providers, health care facilities and pharmacies shall provide reasonable access to the committee for the purpose of reviewing medical records associated with maternal death cases under review by the committee.

Section 7. Confidentiality and protection of collected data, proceedings and activities.

(a) Maintenance.--The committee shall maintain the confidentiality of any identifying information obtained relating to a maternal death, including the names of the deceased, guardians, family members, caretakers and alleged or suspected perpetrators of abuse, neglect or a criminal act.

(b) Agreement.--Each member of the committee and any person appearing before the committee shall sign a confidentiality agreement applicable to all proceedings and reviews conducted by the committee.

(c) Liability.--An individual or agency that in good faith provides information or records to the department shall not be subject to civil or criminal liability as a result of providing the information or record.

(d) Discovery.--The proceedings, deliberations and records of the committee are privileged and confidential and shall not be subject to discovery, subpoena or introduction into evidence in a civil or criminal action.

(e) Meetings.--Meetings of the committee at which a specific maternal death is discussed shall be closed to the public and shall not be subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(f) Attendance.--Nothing in this act shall prevent the committee from allowing the attendance of a person, including a parent, with information relevant to a review at a committee meeting.

(g) Penalty.--A person who violates the provisions of this section commits a misdemeanor of the third degree.

(h) Information collection.--Information collected under this act shall be summarized and reported in an aggregated, nonindividually identifiable manner.

(i) Applicability of Right-to-Know Law.--Information collected under this act shall be exempt from the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 8. Effective date.

This act shall take effect in 90 days.