
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1869 Session of
2017

INTRODUCED BY MACKENZIE, BERNSTINE, BOBACK, CHARLTON, COX,
DRISCOLL, GILLEN, KAUFER, MULLERY, O'BRIEN, READSHAW,
SCHLOSSBERG, STEPHENS, WARD AND WATSON, OCTOBER 17, 2017

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 17, 2017

AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Legislative findings.

10 The General Assembly finds and declares as follows:

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

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

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

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

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

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

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

21 Section 3. Definitions.

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

25 "Committee." The Maternal Mortality Review Committee.

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

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

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

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

8 "Secretary." The Secretary of Health of the Commonwealth.
9 Section 4. Maternal Mortality Review Committee.

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

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

14 (1) The secretary or a designee authorized to act on
15 behalf of the secretary.

16 (2) An obstetrician.

17 (3) A maternal fetal medicine specialist.

18 (4) A certified nurse-midwife.

19 (5) A registered nurse representing maternal health
20 care.

21 (6) A psychiatrist.

22 (7) An addiction medicine specialist.

23 (8) A social worker or social service provider.

24 (9) A medical examiner or coroner responsible for
25 recording deaths.

26 (10) An emergency medical services provider.

27 (11) A health statistician.

28 (12) A representative of the department's bureau of
29 family health programs.

30 (13) Three individuals specializing in emergency

1 medicine, family medicine, pathology, anesthesiology,
2 cardiology, critical care or any other relevant medical
3 specialty.

4 (14) Additional personnel at the discretion of the
5 secretary.

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

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

17 (1) Include members from various geographic regions in
18 this Commonwealth, including both rural and urban areas, and
19 from both academic and community-based hospitals and health
20 networks that are of varying size.

21 (2) Endeavor to include members who are working in and
22 representing communities that are most affected by maternal
23 deaths and by a lack of access to relevant perinatal and
24 intrapartum care services.

25 (3) Include members who represent several academic
26 disciplines and professional specializations essential to
27 reviewing cases of maternal deaths.

28 (e) Meetings.--The committee shall meet when necessary, at
29 least once annually, to fulfill the duties and goals of the
30 committee. The initial meeting of the committee shall be held

1 within 90 days of the effective date of this section.

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

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

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

10 Section 5. Purpose and duties of committee.

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

14 (b) Duties.--The following apply:

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

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

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

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

25 (iv) Medical examiners and coroners.

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

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

30 (ii) Death certificates and birth certificates.

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

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

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

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

11 (vii) Reports to animal control.

12 (viii) Emergency medical services records.

13 (ix) Traffic fatality reports.

14 (x) Department of Human Services records.

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

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

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

26 (5) The committee shall disseminate aggregated,
27 nonindividually identifiable findings and recommendations at
28 least every three years to the secretary, the chairperson of
29 the Health and Human Services Committee of the Senate, the
30 chairperson of the Health Committee of the House of

1 Representatives, health care providers, health care
2 facilities and the general public.

3 Section 6. Authority to access data.

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

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

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

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

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

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

30 (c) Liability.--An individual or agency that in good faith

1 provides information or records to the department shall not be
2 subject to civil or criminal liability as a result of providing
3 the information or record.

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

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

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

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

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

21 (i) Applicability of Right-to-Know Law.--Information
22 collected under this act shall be exempt from the act of
23 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
24 Section 8. Effective date.

25 This act shall take effect in 90 days.