

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 109

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MATERNAL DEATHS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION
2 OF A NEW CHAPTER 96, TITLE 39, IDAHO CODE, TO PROVIDE LEGISLATIVE FIND-
3 INGS, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING A MATERNAL
4 MORTALITY REVIEW COMMITTEE, TO ESTABLISH PROVISIONS REGARDING COMMIT-
5 TEE PROCEEDINGS, RECORDS, CONFIDENTIALITY, AND IMMUNITY, TO PROVIDE
6 FOR ACCESS TO CERTAIN RECORDS, AND TO PROVIDE RULEMAKING AUTHORITY; AND
7 PROVIDING A SUNSET DATE.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
12 ter 96, Title 39, Idaho Code, and to read as follows:

13 CHAPTER 96

14 MATERNAL MORTALITY REVIEW

15 39-9601. LEGISLATIVE FINDINGS. The legislature of the state of Idaho
16 finds that:

17 (1) According to the world health organization, maternal mortality
18 rates worldwide dropped 44% between 1990 and 2015, but increased in the
19 United States;

20 (2) The institute for health metrics and evaluation at the university
21 of Washington found the United States has a maternal death rate of 26.4 per
22 100,000 live births, compared to other countries such as the United Kingdom
23 (9.2), Germany (9), France (7.8), Canada (7.3), Spain (5.6), Italy (4.2),
24 and Finland (3.8);

25 (3) In 2018, Idaho ranked thirty-first out of fifty states in rates of
26 maternal mortality, according to the centers for disease control and preven-
27 tion. Per Idaho vital statistics, Idaho's maternal death rate in 2017 was
28 27.1 deaths per 100,000 live births;

29 (4) Maternal deaths are a serious public health concern and have a
30 tremendous family and societal impact;

31 (5) No statewide process currently exists for the confidential iden-
32 tification, investigation, or dissemination of findings regarding maternal
33 deaths; and

34 (6) The state has a public health interest in the establishment of a
35 process for review of maternal deaths in order to develop strategies for the
36 prevention of maternal deaths.

37 39-9602. DEFINITIONS. As used in this chapter:

38 (1) "Committee" means the maternal mortality review committee estab-
39 lished by section 39-9603, Idaho Code.

40 (2) "Department" means the state department of health and welfare.

1 (3) "Maternal death" means the death of a woman from any cause during
2 pregnancy or within one (1) year following the end of the pregnancy.

3 39-9603. ESTABLISHMENT OF MATERNAL MORTALITY REVIEW COMMITTEE. (1)
4 There is hereby established in the department a maternal mortality review
5 committee, which committee shall conduct comprehensive, multidisciplinary
6 reviews of maternal deaths in Idaho for the purposes of identifying factors
7 associated with the deaths and to make policy recommendations to improve
8 health care services for women and reduce the incidence of maternal mortal-
9 ity in the state. The department may enter into a contract with a third party
10 for administrative functions of the committee.

11 (2) The committee shall consist of at least twelve (12) but no more than
12 fifteen (15) members selected by the department, to include:

13 (a) Five (5) physicians licensed under chapter 18, title 54, Idaho
14 Code, with one (1) each from the following medical specialties:

15 (i) Family medicine with a practice that includes maternity care
16 and delivery;

17 (ii) Obstetrics and gynecology;

18 (iii) Maternal fetal medicine;

19 (iv) Family medicine, obstetrics and gynecology, or emergency
20 medicine that includes maternity care and delivery in a rural set-
21 ting; and

22 (v) Medical examiner or pathologist or other physician who con-
23 ducts autopsies;

24 (b) One (1) advanced practice professional nurse midwife licensed un-
25 der chapter 14, title 54, Idaho Code;

26 (c) One (1) registered nurse licensed under chapter 14, title 54, Idaho
27 Code, working in labor and delivery;

28 (d) One (1) midwife licensed under chapter 55, title 54, Idaho Code;

29 (e) One (1) coroner;

30 (f) One (1) master social worker licensed under chapter 32, title 54,
31 Idaho Code;

32 (g) One (1) emergency medical services provider licensed under chapter
33 10, title 56, Idaho Code; and

34 (h) One (1) public health representative with an expertise in maternal
35 and child health.

36 (3) In selecting committee members, the department shall consider a
37 composition that is reasonably representative of the state's geographic
38 diversity.

39 (4) The department shall:

40 (a) Identify maternal death cases;

41 (b) Obtain and review medical records and other relevant data using
42 best practices for case reviews;

43 (c) Consult, as appropriate, with relevant experts to evaluate and in-
44 terpret the records and data;

45 (d) Consult, as appropriate, with family members and other affected or
46 involved persons to collect additional relevant information;

47 (e) Convene the committee at least annually and provide committee
48 members with the available information necessary to fully review each
49 case; and

- 1 (f) Deliver an annual report of the committee's findings and recommen-
2 dations to the legislature and make these findings and recommendations
3 available to health care providers, health care facilities, and the
4 general public.
- 5 (5) The committee shall:
- 6 (a) Review medical records and other data obtained by the department
7 for each case;
- 8 (b) Make determinations regarding the preventability of maternal
9 deaths; and
- 10 (c) Develop recommendations for the prevention of maternal deaths.

11 39-9604. PROCEEDINGS, RECORDS, CONFIDENTIALITY, AND IMMUNITY. The
12 purpose of the maternal mortality review committee is to gather data and
13 information concerning maternal mortality, conduct thorough and unbiased
14 critical analyses of the causes of maternal mortality, and recommend pos-
15 sible changes to health care delivery in this state to reduce or eliminate
16 preventable maternal deaths. In order to collect the necessary data and
17 information, to the fullest extent possible, the proceedings of the commit-
18 tee and the statements, records, and information created or made therein
19 or gathered by the committee in furtherance of its duties shall be treated
20 as confidential and privileged, and the committee and all participants
21 shall be afforded all protections provided to other organizations and par-
22 ticipants therein conducting peer review or other critical analyses under
23 sections 39-1392a through 39-1392f, Idaho Code, or other provisions of state
24 or federal law. Nothing in this chapter shall affect the privileged and
25 confidential nature of a health care organization's peer review records,
26 activities, or actions.

27 39-9605. ACCESS TO RECORDS. Upon request of the department, all in-
28 formation relating to the incidence of maternal mortality under review shall
29 be provided by health care providers, providers of social services, health
30 care facilities, law enforcement agencies, coroners, medical examiners,
31 emergency medical service personnel, providers of medical transport ser-
32 vices, and any other political subdivision or agency of state government
33 having information relevant to the performance of the committee's duties.

34 39-9606. RULEMAKING. The department of health and welfare may promul-
35 gate rules pursuant to chapter 52, title 67, Idaho Code, necessary to admin-
36 ister this chapter.

37 SECTION 2. The provisions of Section 1 of this act shall be null, void,
38 and of no force and effect on and after July 1, 2023.