

SENATE BILL No. 142

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-218.5; IC 16-50; IC 34-30-2; IC 34-46-2-11.7; IC 36-2-14-18.

Synopsis: Maternal mortality review committee. Requires the state department of health (state department) to establish a statewide maternal mortality review committee (committee) and sets forth membership and duties of the committee. Specifies confidentiality of records reviewed by the committee. Requires a health care provider or health care facility that has a patient who dies of a maternal mortality to report the death to the committee and sets forth immunity provisions for the provider or facility. Requires the committee to submit a report to the state department before July 1 of each year concerning the committee's reviews and requires the state department to post the report on the state department's Internet web site and make the report available for public inspection. Provides civil and criminal immunity to committee members in discussing confidential matters before the committee.

Effective: July 1, 2018.

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January 3, 2018, read first time and referred to Committee on Health and Provider Services.



Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 142

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-218.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 218.5. "Maternal mortality", for**
4 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

5 SECTION 2. IC 16-50 IS ADDED TO THE INDIANA CODE AS
6 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
7 2018]:

8 **ARTICLE 50. MATERNAL MORTALITY REVIEW**

9 **Chapter 1. Statewide Maternal Mortality Review Committee**

10 **Sec. 1. As used in this article, "maternal mortality" refers to**
11 **death, occurring in Indiana, of an individual during pregnancy**
12 **through up to one (1) year after pregnancy, irrespective of the**
13 **duration and site of the pregnancy, from any cause related to or**
14 **aggravated by the pregnancy or management of the pregnancy.**

15 **Sec. 2. The state department shall establish a statewide maternal**
16 **mortality review committee to:**

- 17 (1) review cases of maternal mortality;



1 **(2) determine factors contributing to maternal mortality;**
 2 **(3) identify public health and clinical interventions to improve**
 3 **systems of care and enhance coordination; and**
 4 **(4) develop strategies for the prevention of maternal**
 5 **mortality;**
 6 **in Indiana.**

7 **Sec. 3. (a) The state health commissioner or the commissioner's**
 8 **designee shall appoint members to the statewide maternal**
 9 **mortality review committee.**

10 **(b) The membership of the statewide maternal mortality review**
 11 **committee must be multidisciplinary, be culturally diverse, and**
 12 **include the following:**

13 **(1) One (1) representative from each of the following:**

14 **(A) The state department.**

15 **(B) The office of the secretary of family and social services.**

16 **(C) The Indiana Hospital Association.**

17 **(2) Two (2) representatives of a local health department, each**
 18 **representing a different regional area and population size.**

19 **(3) Two (2) representatives of community based organizations**
 20 **that focus on maternal health and well-being.**

21 **(4) One (1) epidemiologist.**

22 **(5) One (1) representative from each of the following areas**
 23 **who provides services or community resources to families,**
 24 **with expertise and knowledge in the area:**

25 **(A) Obstetrics.**

26 **(B) Maternal-fetal medicine.**

27 **(C) Family medicine.**

28 **(D) Social work.**

29 **(E) Pathology.**

30 **(F) Public health nursing.**

31 **(G) Nurse midwifery.**

32 **(H) Anesthesiology.**

33 **(I) Mental health.**

34 **(c) The state health commissioner shall designate a member of**
 35 **the statewide maternal mortality review committee as the**
 36 **chairperson.**

37 **(d) The statewide maternal mortality review committee shall**
 38 **meet at the call of the chairperson. Except as provided in**
 39 **subsection (e), statewide maternal mortality review committee**
 40 **meetings are open to the public.**

41 **(e) Statewide maternal mortality review committee meetings**
 42 **that involve confidential records or identifying information**



1 regarding a maternal death that is confidential under state or
2 federal law must be held as an executive session and are not public.

3 **Sec. 4. A member of the statewide maternal mortality review**
4 **committee shall:**

5 (1) sign a confidentiality form prepared by the statewide
6 maternal mortality review coordinator under IC 16-50-2-3;

7 (2) review the purpose and goals of the statewide maternal
8 mortality review committee; and

9 (3) review the data collection form developed by the statewide
10 maternal mortality review coordinator under IC 16-50-2-2.

11 **Sec. 5. If a health care provider or a health care facility has a**
12 **patient who suffers a maternal mortality and the health care**
13 **provider or health care facility has knowledge of the circumstances**
14 **of the maternal mortality, the health care provider or the health**
15 **care facility shall report the maternal mortality to the statewide**
16 **maternal mortality review committee in the manner established by**
17 **the statewide maternal mortality review coordinator under**
18 **IC 16-50-2-4.**

19 **Sec. 6. (a) The statewide maternal mortality review committee**
20 **shall review all cases of maternal mortality reported to the**
21 **statewide maternal mortality review committee.**

22 **(b) The statewide maternal mortality review committee shall do**
23 **the following concerning each maternal mortality case reported to**
24 **the statewide maternal mortality review committee:**

25 (1) Review medical records and other relevant data as set
26 forth in section 7(a) of this chapter.

27 (2) Contact family members and other affected or involved
28 persons to collect data.

29 (3) Consult with relevant experts to evaluate the records and
30 data described in subdivisions (1) and (2).

31 (4) Make determinations regarding the factors contributing
32 to maternal mortalities and the preventability of maternal
33 mortalities.

34 (5) Identify, if applicable, public health and clinical health
35 interventions to improve systems of care and enhance
36 coordination.

37 (6) Develop recommendations for the prevention of maternal
38 mortalities.

39 (7) Disseminate findings and recommendations as required
40 under this chapter.

41 **(c) The statewide maternal mortality review committee's**
42 **findings for each case must be maintained in a data collection form**



1 developed by the statewide maternal mortality review coordinator
2 under IC 16-50-2-2.

3 **Sec. 7. (a) In conducting a review under this chapter, the**
4 **statewide maternal mortality review committee shall review all**
5 **applicable records and information related to the death, including**
6 **the following:**

7 (1) Records held by the local or state health departments,
8 including the death certificate.

9 (2) Medical records submitted by the health care provider or
10 health care facility.

11 (3) Law enforcement records.

12 (4) Coroner records, including an autopsy report.

13 (5) Mental health records.

14 (6) Emergency medical services reports.

15 (b) The following shall provide to the statewide maternal
16 mortality review committee, in good faith, access to records
17 concerning a case under review under this chapter:

18 (1) A health care provider.

19 (2) A health care facility.

20 (3) An individual.

21 (4) An entity.

22 (c) A person described in subsection (b) that provides access to
23 records in good faith under this section is not subject to liability in:

24 (1) a civil;

25 (2) an administrative;

26 (3) a disciplinary; or

27 (4) a criminal;

28 action that might otherwise be imposed as a result of the
29 disclosure.

30 (d) Except as otherwise provided under this chapter,
31 information and records acquired and interviews conducted by the
32 statewide maternal mortality review committee in the exercise of
33 the committee's duties under this chapter are confidential and
34 exempted from disclosure.

35 (e) Records, information, documents, and reports acquired or
36 produced by the statewide maternal mortality review committee
37 are not:

38 (1) subject to subpoena or discovery; or

39 (2) admissible as evidence;

40 in any judicial or administrative proceeding. Information that is
41 otherwise discoverable or admissible from original sources is not
42 immune from discovery or use in any proceeding merely because



1 the information was presented during proceedings before the
2 statewide maternal mortality review committee.

3 (f) The statewide maternal mortality review committee
4 members and individuals who attend a statewide maternal
5 mortality review committee meeting at the invitation of the
6 chairperson shall maintain the confidentiality of records and
7 information discussed and disseminated during the statewide
8 maternal mortality review committee meeting.

9 Sec. 8. (a) The statewide maternal mortality review committee
10 shall, before July 1 of each year, submit a report to the state
11 department that includes the following information:

12 (1) A summary of the data collected regarding the reviews
13 conducted by the statewide maternal mortality review
14 committee.

15 (2) Actions recommended by the statewide maternal mortality
16 review committee to improve systems of care and enhance
17 coordination to reduce maternal mortality in Indiana.

18 (3) Legislative recommendations for consideration by the
19 general assembly.

20 (b) A report released under this section must not contain
21 identifying information relating to the deaths reviewed by the
22 statewide maternal mortality review committee.

23 (c) The state department shall make a report prepared under
24 this section available to public inspection and post the report on the
25 state department's Internet web site.

26 Sec. 9. (a) The statewide maternal mortality review committee
27 members and individuals who attend a statewide maternal
28 mortality review committee meeting at the invitation of the
29 chairperson:

30 (1) may discuss among themselves confidential matters that
31 are before the statewide maternal mortality review
32 committee; and

33 (2) are, except when acting:

34 (A) with malice;

35 (B) in bad faith; or

36 (C) with negligence;

37 immune from any civil or criminal liability that might
38 otherwise be imposed as a result of sharing among themselves
39 those matters.

40 (b) The discussions, determinations, conclusions, and
41 recommendations of the statewide maternal mortality review
42 committee or its members concerning a review of a fatality at a



1 statewide maternal mortality review committee meeting:

2 (1) are privileged; and

3 (2) are not:

4 (A) subject to subpoena or discovery; or

5 (B) admissible as evidence;

6 in any judicial or administrative proceeding.

7 **Sec. 10.** Nothing in this chapter shall preclude any death
8 investigation or review to the extent authorized by other laws.

9 **Chapter 2. Statewide Maternal Mortality Review Coordinator**

10 **Sec. 1.** The state department shall employ a statewide maternal
11 mortality review coordinator to support the statewide maternal
12 mortality review committee.

13 **Sec. 2.** The statewide maternal mortality review coordinator
14 shall develop a data collection form that includes:

15 (1) identifying and nonidentifying information;

16 (2) information regarding the circumstances surrounding a
17 maternal mortality;

18 (3) factors contributing to a maternal mortality; and

19 (4) findings and recommendations that include the following
20 information:

21 (A) Whether similar future maternal mortalities could be
22 prevented.

23 (B) A list of:

24 (i) agencies and entities that should be involved; and

25 (ii) any other resources that should be used;

26 to prevent future maternal mortalities in Indiana.

27 **Sec. 3. (a)** The statewide maternal mortality review coordinator
28 shall develop a confidentiality form for use by the statewide
29 maternal mortality review committee and any individuals who are
30 invited by the chairperson to attend a meeting of the statewide
31 maternal mortality review committee.

32 (b) Any individual who is invited by the chairperson to attend
33 a meeting of the statewide maternal mortality review committee
34 shall sign the confidentiality form described in subsection (a) in
35 order to attend the meeting.

36 **Sec. 4.** The statewide maternal mortality review coordinator
37 shall establish a process for a person to report a maternal
38 mortality to the statewide maternal mortality review committee.

39 SECTION 3. IC 34-30-2-84.4, AS ADDED BY P.L.119-2013,
40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2018]: Sec. 84.4. (a) IC 16-49-4-5 (Concerning hospitals,
42 physicians, coroners, law enforcement officers, and mental health



1 providers who provide certain records to the statewide child fatality
2 review committee).

3 **(b) IC 16-49-4-10 (Concerning a member of the statewide child**
4 **fatality review committee or an individual who attends a meeting**
5 **of the statewide child fatality review committee as an invitee of the**
6 **chairperson).**

7 SECTION 4. IC 34-30-2-84.6, AS ADDED BY P.L.119-2013,
8 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 84.6. ~~IC 16-49-4-10 (Concerning a member of the~~
10 ~~statewide child fatality review committee or an individual who attends~~
11 ~~a meeting of the statewide child fatality review committee as an invitee~~
12 ~~of the chairperson):~~ **(a) IC 16-50-1-7 (Concerning a health care**
13 **provider, health care facility, individual, or entity that provides**
14 **certain records to the statewide maternal mortality review**
15 **committee).**

16 **(b) IC 16-50-1-9 (Concerning discussion of confidential matters**
17 **by a member of the statewide maternal mortality review committee**
18 **or an individual who attends a meeting of the statewide maternal**
19 **mortality review committee by invitation of the chairperson).**

20 SECTION 5. IC 34-46-2-11.7 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2018]: **Sec. 11.7. IC 16-50-1-9 (Concerning**
23 **discussions, determinations, conclusions, and recommendations of**
24 **the statewide maternal mortality review committee).**

25 SECTION 6. IC 36-2-14-18, AS AMENDED BY P.L.160-2017,
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2018]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when
28 a coroner investigates a death, the office of the coroner is required to
29 make available for public inspection and copying the following:

- 30 (1) The name, age, address, sex, and race of the deceased.
31 (2) The address where the dead body was found, or if there is no
32 address the location where the dead body was found and, if
33 different, the address where the death occurred, or if there is no
34 address the location where the death occurred.
35 (3) The name of the agency to which the death was reported and
36 the name of the person reporting the death.
37 (4) The name of any public official or governmental employee
38 present at the scene of the death and the name of the person
39 certifying or pronouncing the death.
40 (5) Information regarding an autopsy (requested or performed)
41 limited to the date, the person who performed the autopsy, where
42 the autopsy was performed, and a conclusion as to:



- 1 (A) the probable cause of death;
2 (B) the probable manner of death; and
3 (C) the probable mechanism of death.
- 4 (6) The location to which the body was removed, the person
5 determining the location to which the body was removed, and the
6 authority under which the decision to remove the body was made.
- 7 (7) The records required to be filed by a coroner under section 6
8 of this chapter and the verdict and the written report required
9 under section 10 of this chapter.
- 10 (b) A county coroner or a coroner's deputy who receives an
11 investigatory record from a law enforcement agency shall treat the
12 investigatory record with the same confidentiality as the law
13 enforcement agency would treat the investigatory record.
- 14 (c) Notwithstanding any other provision of this section, a coroner
15 shall make available a full copy of an autopsy report, other than a
16 photograph, a video recording, or an audio recording of the autopsy,
17 upon the written request of a parent of the decedent, an adult child of
18 the decedent, a next of kin of the decedent, or an insurance company
19 investigating a claim arising from the death of the individual upon
20 whom the autopsy was performed. A parent of the decedent, an adult
21 child of the decedent, a next of kin of the decedent, and an insurance
22 company are prohibited from publicly disclosing any information
23 contained in the report beyond that information that may otherwise be
24 disclosed by a coroner under this section. This prohibition does not
25 apply to information disclosed in communications in conjunction with
26 the investigation, settlement, or payment of the claim.
- 27 (d) Notwithstanding any other provision of this section, a coroner
28 shall make available a full copy of an autopsy report, other than a
29 photograph, a video recording, or an audio recording of the autopsy,
30 upon the written request of:
- 31 (1) the director of the division of disability and rehabilitative
32 services established by IC 12-9-1-1;
33 (2) the director of the division of mental health and addiction
34 established by IC 12-21-1-1; or
35 (3) the director of the division of aging established by
36 IC 12-9.1-1-1;
- 37 in connection with a division's review of the circumstances surrounding
38 the death of an individual who received services from a division or
39 through a division at the time of the individual's death.
- 40 (e) Notwithstanding any other provision of this section, a coroner
41 shall make available, upon written request, a full copy of an autopsy
42 report, including a photograph, a video recording, or an audio recording



1 of the autopsy, to:

- 2 (1) the department of child services established by IC 31-25-1-1,
 3 including an office of the department located in the county where
 4 the death occurred;
 5 (2) the statewide child fatality review committee established by
 6 IC 16-49-4; or
 7 (3) a county child fatality review team or regional child fatality
 8 review team established under IC 16-49-2 for the area where the
 9 death occurred;

10 for purposes of an entity described in subdivisions (1) through (3)
 11 conducting a review or an investigation of the circumstances
 12 surrounding the death of a child (as defined in IC 16-49-1-2) and
 13 making a determination as to whether the death of the child was a
 14 result of abuse, abandonment, or neglect. An autopsy report made
 15 available under this subsection is confidential and shall not be
 16 disclosed to another individual or agency, unless otherwise authorized
 17 or required by law.

18 **(f) Notwithstanding any other provision of this section, a**
 19 **coroner shall make available, upon written request, a full copy of**
 20 **an autopsy report, including a photograph, a video recording, or**
 21 **an audio recording of the autopsy, to the statewide maternity**
 22 **mortality review committee established under IC 16-50-1.**

23 ~~(f)~~ **(g)** Notwithstanding any other provision of this section, and
 24 except as otherwise provided in this subsection, a coroner may make
 25 available, upon written request, a full copy of an autopsy report to the
 26 peer review committee (as defined in IC 34-6-2-99) of a hospital at
 27 which the decedent was treated immediately before death for purposes
 28 of the hospital's peer review activities. An autopsy report made
 29 available under this subsection:

- 30 (1) may not include:
 31 (A) a photograph;
 32 (B) a video recording; or
 33 (C) an audio recording;
 34 of the autopsy; and
 35 (2) is confidential and may not be disclosed to another individual
 36 or agency, unless otherwise authorized or required by law.

37 However, if immediately making available an autopsy report under this
 38 subsection will interfere with the coroner's investigation or other legal
 39 proceedings related to the decedent's death, the coroner may delay
 40 making available the requested autopsy related information until the
 41 investigation or other legal proceedings are concluded.

42 ~~(g)~~ **(h)** Except as provided in subsection ~~(f)~~; **(i)**, the information



1 required to be available under subsection (a) must be completed not
2 later than fourteen (14) days after the completion of:

- 3 (1) the autopsy report; or
- 4 (2) if applicable, any other report, including a toxicology report,
5 requested by the coroner as part of the coroner's investigation;

6 whichever is completed last.

7 ~~(h)~~ **(i)** The prosecuting attorney may petition a circuit or superior
8 court for an order prohibiting the coroner from publicly disclosing the
9 information required in subsection (a). The prosecuting attorney shall
10 serve a copy of the petition on the coroner.

11 ~~(i)~~ **(j)** Upon receipt of a copy of the petition described in subsection
12 ~~(h)~~, **(i)**, the coroner shall keep the information confidential until the
13 court rules on the petition.

14 ~~(j)~~ **(k)** The court shall grant a petition filed under subsection ~~(h)~~ **(i)**
15 if the prosecuting attorney proves by a preponderance of the evidence
16 that public access or dissemination of the information specified in
17 subsection (a) would create a significant risk of harm to the criminal
18 investigation of the death. The court shall state in the order the reasons
19 for granting or denying the petition. An order issued under this
20 subsection must use the least restrictive means and duration possible
21 when restricting access to the information. Information to which access
22 is restricted under this subsection is confidential.

23 ~~(k)~~ **(l)** Any person may petition the court to modify or terminate an
24 order issued under subsection ~~(j)~~: **(k)**. The petition for modification or
25 termination must allege facts demonstrating that:

- 26 (1) the public interest will be served by allowing access; and
- 27 (2) access to the information specified in subsection (a) would not
28 create a significant risk to the criminal investigation of the death.

29 The person petitioning the court for modification or termination shall
30 serve a copy of the petition on the prosecuting attorney and the coroner.

31 ~~(l)~~ **(m)** Upon receipt of a petition for modification or termination
32 filed under subsection ~~(k)~~: **(l)**, the court may:

- 33 (1) summarily grant, modify, or dismiss the petition; or
- 34 (2) set the matter for hearing.

35 If the court sets the matter for hearing, upon the motion of any party or
36 upon the court's own motion, the court may close the hearing to the
37 public.

38 ~~(m)~~ **(n)** If the person filing the petition for modification or
39 termination proves by a preponderance of the evidence that:

- 40 (1) the public interest will be served by allowing access; and
- 41 (2) access to the information specified in subsection (a) would not
42 create a significant risk to the criminal investigation of the death;



1 the court shall modify or terminate its order restricting access to the
2 information. In ruling on a request under this subsection, the court shall
3 state the court's reasons for granting or denying the request.

