



January 12, 2018

SENATE BILL No. 142

DIGEST OF SB 142 (Updated January 10, 2018 12:06 pm - DI 104)

Citations Affected: IC 16-18; IC 16-50; IC 31-33; IC 34-30; IC 34-46; IC 36-2.

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. Allows the committee to review maternal morbidity cases. Specifies records to which the committee may have access. 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.

Leising, Charbonneau, Becker

January 3, 2018, read first time and referred to Committee on Health and Provider Services.
January 11, 2018, amended, reported favorably — Do Pass.

SB 142—LS 6445/DI 104



January 12, 2018

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 16-18-2-218.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 218.3. "Maternal morbidity", for**
4 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-1.**
5 SECTION 2. IC 16-18-2-218.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2018]: **Sec. 218.5. "Maternal mortality", for**
8 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-2.**
9 SECTION 3. IC 16-50 IS ADDED TO THE INDIANA CODE AS
10 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
11 2018]:
12 **ARTICLE 50. MATERNAL MORTALITY REVIEW**
13 **Chapter 1. Statewide Maternal Mortality Review Committee**
14 **Sec. 1. As used in this article, "maternal morbidity" refers to**
15 **any health condition occurring to an individual in Indiana that is**
16 **attributable to or aggravated by pregnancy and childbirth.**
17 **Sec. 2. As used in this article, "maternal mortality" refers to**

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1 death, occurring in Indiana, of an individual during pregnancy
 2 through up to one (1) year after pregnancy, irrespective of the
 3 duration and site of the pregnancy, from any cause related to or
 4 aggravated by the pregnancy or management of the pregnancy.

5 Sec. 3. (a) The state department shall establish a statewide
 6 maternal mortality review committee to:

7 (1) review cases of maternal morbidity and maternal
 8 mortality;

9 (2) determine factors contributing to maternal morbidity and
 10 maternal mortality;

11 (3) identify public health and clinical interventions to improve
 12 systems of care and enhance coordination; and

13 (4) develop strategies for the prevention of maternal
 14 morbidity and maternal mortality;

15 in Indiana.

16 (b) The statewide mortality review committee:

17 (1) shall review cases of maternal mortality; and

18 (2) may review cases of maternal morbidity.

19 Sec. 4. (a) The state health commissioner or the commissioner's
 20 designee shall appoint members to the statewide maternal
 21 mortality review committee.

22 (b) The membership of the statewide maternal mortality review
 23 committee must be multidisciplinary, be culturally diverse, and
 24 include the following:

25 (1) One (1) representative from each of the following:

26 (A) The state department.

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

28 (C) The Indiana Hospital Association.

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

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

33 (4) One (1) epidemiologist.

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

37 (A) Obstetrics.

38 (B) Maternal-fetal medicine.

39 (C) Family medicine.

40 (D) Social work.

41 (E) Pathology.

42 (F) Public health nursing.



1 (G) Midwifery.

2 (H) Anesthesiology.

3 (I) Mental health.

4 (c) The state health commissioner shall designate a member of
5 the statewide maternal mortality review committee as the
6 chairperson.

7 (d) The statewide maternal mortality review committee shall
8 meet at the call of the chairperson. Except as provided in
9 subsection (e), statewide maternal mortality review committee
10 meetings are open to the public.

11 (e) Statewide maternal mortality review committee meetings
12 that involve confidential records or identifying information
13 regarding a maternal death or maternal morbidity that is
14 confidential under state or federal law must be held as an executive
15 session and are not open to the public.

16 Sec. 5. A member of the statewide maternal mortality review
17 committee shall:

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

20 (2) review the purpose and goals of the statewide maternal
21 mortality review committee; and

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

24 Sec. 6. (a) If a health care provider or a health care facility has
25 a patient who suffers a maternal mortality and the health care
26 provider or health care facility has knowledge of the circumstances
27 of the maternal mortality, the health care provider or the health
28 care facility shall report the maternal mortality to the statewide
29 maternal mortality review committee in the manner established by
30 the statewide maternal mortality review coordinator under
31 IC 16-50-2-4.

32 (b) The state department may provide data held by the state
33 department, including:

34 (1) vital statistics;

35 (2) trauma data; and

36 (3) hospital discharge data;

37 to the statewide maternal mortality review coordinator to aid in
38 the identification of cases of maternal morbidity and maternal
39 mortality.

40 Sec. 7. (a) The statewide maternal mortality review committee
41 shall review all cases of maternal mortality reported to the
42 statewide maternal mortality review committee.



1 **(b) The statewide maternal mortality review committee may do**
 2 **any of the following concerning each maternal mortality case**
 3 **reported to the statewide maternal mortality review committee:**

4 **(1) Review medical records and other relevant data as set**
 5 **forth in section 8(a) of this chapter.**

6 **(2) Contact family members and other affected or involved**
 7 **persons to collect data.**

8 **(3) Consult with relevant experts to evaluate the records and**
 9 **data described in subdivisions (1) and (2).**

10 **(4) Make determinations regarding the factors contributing**
 11 **to maternal morbidities and maternal mortalities and the**
 12 **preventability of maternal morbidities and maternal**
 13 **mortalities.**

14 **(5) Identify, if applicable, public health and clinical health**
 15 **interventions to improve systems of care and enhance**
 16 **coordination.**

17 **(6) Develop recommendations for the prevention of maternal**
 18 **morbidities and maternal mortalities.**

19 **(7) Disseminate findings and recommendations as required**
 20 **under this chapter.**

21 **(c) The statewide maternal mortality review committee's**
 22 **findings for each case must be maintained in a data collection form**
 23 **developed by the statewide maternal mortality review coordinator**
 24 **under IC 16-50-2-2.**

25 **Sec. 8. (a) In conducting a review under this chapter, the**
 26 **statewide maternal mortality review committee shall review all**
 27 **applicable records and information related to the death, including**
 28 **the following:**

29 **(1) Records held by the local or state health departments,**
 30 **including the death certificate.**

31 **(2) Medical records submitted by the health care provider or**
 32 **health care facility.**

33 **(3) Law enforcement records.**

34 **(4) Coroner records, including an autopsy report.**

35 **(5) Mental health records.**

36 **(6) Emergency medical services reports.**

37 **(7) Subject to IC 31-33-18-2, records held by the department**
 38 **of child services.**

39 **(8) To the extent allowable under state and federal law, other**
 40 **records held by the state department.**

41 **(b) The following shall provide to the statewide maternal**
 42 **mortality review committee, in good faith, access to records**



- 1 concerning a case under review under this chapter:
- 2 (1) A health care provider.
- 3 (2) A health care facility.
- 4 (3) An individual.
- 5 (4) An entity.
- 6 (c) A person described in subsection (b) that provides access to
- 7 records in good faith under this section is not subject to liability in:
- 8 (1) a civil;
- 9 (2) an administrative;
- 10 (3) a disciplinary; or
- 11 (4) a criminal;
- 12 action that might otherwise be imposed as a result of the
- 13 disclosure.
- 14 (d) Except as otherwise provided under this chapter,
- 15 information and records acquired and interviews conducted by the
- 16 statewide maternal mortality review committee in the exercise of
- 17 the committee's duties under this chapter are confidential and
- 18 exempted from disclosure.
- 19 (e) Records, information, documents, and reports acquired or
- 20 produced by the statewide maternal mortality review committee
- 21 are not:
- 22 (1) subject to subpoena or discovery; or
- 23 (2) admissible as evidence;
- 24 in any judicial or administrative proceeding. Information that is
- 25 otherwise discoverable or admissible from original sources is not
- 26 immune from discovery or use in any proceeding merely because
- 27 the information was presented during proceedings before the
- 28 statewide maternal mortality review committee.
- 29 (f) The statewide maternal mortality review committee
- 30 members and individuals who attend a statewide maternal
- 31 mortality review committee meeting at the invitation of the
- 32 chairperson shall maintain the confidentiality of records and
- 33 information discussed and disseminated during the statewide
- 34 maternal mortality review committee meeting.
- 35 Sec. 9. (a) The statewide maternal mortality review committee
- 36 shall, before July 1 of each year, submit a report to the state
- 37 department that includes the following information:
- 38 (1) A summary of the data collected regarding the reviews
- 39 conducted by the statewide maternal mortality review
- 40 committee.
- 41 (2) Actions recommended by the statewide maternal mortality
- 42 review committee to improve systems of care and enhance



1 coordination to reduce maternal morbidity and maternal
2 mortality in Indiana.

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

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

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

11 **Sec. 10. (a) The statewide maternal mortality review committee**
12 **members and individuals who attend a statewide maternal**
13 **mortality review committee meeting at the invitation of the**
14 **chairperson:**

15 (1) may discuss among themselves confidential matters that
16 are before the statewide maternal mortality review
17 committee; and

18 (2) are, except when acting:

19 (A) with malice;

20 (B) in bad faith; or

21 (C) with negligence;

22 immune from any civil or criminal liability that might
23 otherwise be imposed as a result of sharing among themselves
24 those matters.

25 (b) The discussions, determinations, conclusions, and
26 recommendations of the statewide maternal mortality review
27 committee or its members concerning a review of a fatality at a
28 statewide maternal mortality review committee meeting:

29 (1) are privileged; and

30 (2) are not:

31 (A) subject to subpoena or discovery; or

32 (B) admissible as evidence;

33 in any judicial or administrative proceeding.

34 **Sec. 11. Nothing in this chapter shall preclude any death, illness,**
35 **or injury investigation or review to the extent authorized by other**
36 **laws.**

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

38 **Sec. 1. The state department shall employ a statewide maternal**
39 **mortality review coordinator to support the statewide maternal**
40 **mortality review committee.**

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



- 1 (1) identifying and nonidentifying information;
 2 (2) information regarding the circumstances surrounding a
 3 maternal morbidity or maternal mortality;
 4 (3) factors contributing to a maternal morbidity or maternal
 5 mortality; and
 6 (4) findings and recommendations that include the following
 7 information:

8 (A) Whether similar future maternal morbidities or
 9 maternal mortalities could be prevented.

10 (B) A list of:

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

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

13 to prevent future maternal morbidities and maternal
 14 mortalities in Indiana.

15 **Sec. 3. (a) The statewide maternal mortality review coordinator**
 16 **shall develop a confidentiality form for use by the statewide**
 17 **maternal mortality review committee and any individuals who are**
 18 **invited by the chairperson to attend a meeting of the statewide**
 19 **maternal mortality review committee.**

20 (b) Any individual who is invited by the chairperson to attend
 21 a meeting of the statewide maternal mortality review committee
 22 shall sign the confidentiality form described in subsection (a) in
 23 order to attend the meeting.

24 **Sec. 4. The statewide maternal mortality review coordinator**
 25 **shall establish a process for a person to report a maternal**
 26 **morbidity and maternal mortality to the statewide maternal**
 27 **mortality review committee.**

28 SECTION 4. IC 31-33-18-2, AS AMENDED BY P.L.258-2017,
 29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2018]: Sec. 2. The reports and other material described in
 31 section 1(a) of this chapter and the unredacted reports and other
 32 material described in section 1(b) of this chapter shall be made
 33 available only to the following:

34 (1) Persons authorized by this article.

35 (2) A legally mandated public or private child protective agency
 36 investigating a report of child abuse or neglect or treating a child
 37 or family that is the subject of a report or record.

38 (3) Any of the following who are investigating a report of a child
 39 who may be a victim of child abuse or neglect:

40 (A) A police officer or other law enforcement agency.

41 (B) A prosecuting attorney.

42 (C) A coroner, in the case of the death of a child.



- 1 (4) A physician who has before the physician a child whom the
2 physician reasonably suspects may be a victim of child abuse or
3 neglect.
4 (5) An individual legally authorized to place a child in protective
5 custody if:
6 (A) the individual has before the individual a child whom the
7 individual reasonably suspects may be a victim of abuse or
8 neglect; and
9 (B) the individual requires the information in the report or
10 record to determine whether to place the child in protective
11 custody.
12 (6) An agency having the legal responsibility or authorization to
13 care for, treat, or supervise a child who is the subject of a report
14 or record or a parent, guardian, custodian, or other person who is
15 responsible for the child's welfare.
16 (7) An individual named in the report or record who is alleged to
17 be abused or neglected or, if the individual named in the report is
18 a child or is otherwise incompetent, the individual's guardian ad
19 litem or the individual's court appointed special advocate, or both.
20 (8) Each parent, guardian, custodian, or other person responsible
21 for the welfare of a child named in a report or record and an
22 attorney of the person described under this subdivision, with
23 protection for the identity of reporters and other appropriate
24 individuals.
25 (9) A court, for redaction of the record in accordance with section
26 1.5 of this chapter, or upon the court's finding that access to the
27 records may be necessary for determination of an issue before the
28 court. However, except for disclosure of a redacted record in
29 accordance with section 1.5 of this chapter, access is limited to in
30 camera inspection unless the court determines that public
31 disclosure of the information contained in the records is necessary
32 for the resolution of an issue then pending before the court.
33 (10) A grand jury upon the grand jury's determination that access
34 to the records is necessary in the conduct of the grand jury's
35 official business.
36 (11) An appropriate state or local official responsible for child
37 protection services or legislation carrying out the official's official
38 functions.
39 (12) The community child protection team appointed under
40 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
41 enable the team to carry out the team's purpose under IC 31-33-3.
42 (13) A person about whom a report has been made, with



- 1 protection for the identity of:
- 2 (A) any person reporting known or suspected child abuse or
- 3 neglect; and
- 4 (B) any other person if the person or agency making the
- 5 information available finds that disclosure of the information
- 6 would be likely to endanger the life or safety of the person.
- 7 (14) An employee of the department, a caseworker, or a juvenile
- 8 probation officer conducting a criminal history check under
- 9 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
- 10 appropriateness of an out-of-home placement for a:
- 11 (A) child at imminent risk of placement;
- 12 (B) child in need of services; or
- 13 (C) delinquent child.
- 14 The results of a criminal history check conducted under this
- 15 subdivision must be disclosed to a court determining the
- 16 placement of a child described in clauses (A) through (C).
- 17 (15) A local child fatality review team established under
- 18 IC 16-49-2.
- 19 (16) The statewide child fatality review committee established by
- 20 IC 16-49-4.
- 21 (17) The department.
- 22 (18) The division of family resources, if the investigation report:
- 23 (A) is classified as substantiated; and
- 24 (B) concerns:
- 25 (i) an applicant for a license to operate;
- 26 (ii) a person licensed to operate;
- 27 (iii) an employee of; or
- 28 (iv) a volunteer providing services at;
- 29 a child care center licensed under IC 12-17.2-4 or a child care
- 30 home licensed under IC 12-17.2-5.
- 31 (19) A citizen review panel established under IC 31-25-2-20.4.
- 32 (20) The department of child services ombudsman established by
- 33 IC 4-13-19-3.
- 34 (21) The state superintendent of public instruction with protection
- 35 for the identity of:
- 36 (A) any person reporting known or suspected child abuse or
- 37 neglect; and
- 38 (B) any other person if the person or agency making the
- 39 information available finds that disclosure of the information
- 40 would be likely to endanger the life or safety of the person.
- 41 (22) The state child fatality review coordinator employed by the
- 42 state department of health under IC 16-49-5-1.



- 1 (23) A person who operates a child caring institution, group
- 2 home, or secure private facility if all the following apply:
- 3 (A) The child caring institution, group home, or secure private
- 4 facility is licensed under IC 31-27.
- 5 (B) The report or other materials concern:
- 6 (i) an employee of;
- 7 (ii) a volunteer providing services at; or
- 8 (iii) a child placed at;
- 9 the child caring institution, group home, or secure private
- 10 facility.
- 11 (C) The allegation in the report occurred at the child caring
- 12 institution, group home, or secure private facility.
- 13 (24) A person who operates a child placing agency if all the
- 14 following apply:
- 15 (A) The child placing agency is licensed under IC 31-27.
- 16 (B) The report or other materials concern:
- 17 (i) a child placed in a foster home licensed by the child
- 18 placing agency;
- 19 (ii) a person licensed by the child placing agency to operate
- 20 a foster family home;
- 21 (iii) an employee of the child placing agency or a foster
- 22 family home licensed by the child placing agency; or
- 23 (iv) a volunteer providing services at the child placing
- 24 agency or a foster family home licensed by the child placing
- 25 agency.
- 26 (C) The allegations in the report occurred in the foster family
- 27 home or in the course of employment or volunteering at the
- 28 child placing agency or foster family home.
- 29 (25) The National Center for Missing and Exploited Children.
- 30 (26) A local domestic violence fatality review team established
- 31 under IC 12-18-8, as determined by the department to be relevant
- 32 to the death or near fatality that the local domestic violence
- 33 fatality review team is reviewing.
- 34 (27) The statewide domestic violence fatality review committee
- 35 established under IC 12-18-9-3, as determined by the department
- 36 to be relevant to the death or near fatality that the statewide
- 37 domestic violence fatality review committee is reviewing.
- 38 **(28) The statewide maternal mortality review committee**
- 39 **established under IC 16-50-1-3, as determined by the**
- 40 **department to be relevant to the case of maternal morbidity**
- 41 **or maternal mortality that the statewide maternal mortality**
- 42 **review committee is reviewing.**



1 SECTION 5. IC 34-30-2-84.4, AS ADDED BY P.L.119-2013,
 2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 84.4. **(a)** IC 16-49-4-5 (Concerning hospitals,
 4 physicians, coroners, law enforcement officers, and mental health
 5 providers who provide certain records to the statewide child fatality
 6 review committee).

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

11 SECTION 6. IC 34-30-2-84.6, AS ADDED BY P.L.119-2013,
 12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2018]: Sec. 84.6. ~~IC 16-49-4-10 (Concerning a member of the
 14 statewide child fatality review committee or an individual who attends
 15 a meeting of the statewide child fatality review committee as an invitee
 16 of the chairperson):~~ **(a) IC 16-50-1-7 (Concerning a health care
 17 provider, health care facility, individual, or entity that provides
 18 certain records to the statewide maternal mortality review
 19 committee).**

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

24 SECTION 7. IC 34-46-2-11.7 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2018]: **Sec. 11.7. IC 16-50-1-9 (Concerning
 27 discussions, determinations, conclusions, and recommendations of
 28 the statewide maternal mortality review committee).**

29 SECTION 8. IC 36-2-14-18, AS AMENDED BY P.L.160-2017,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2018]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when
 32 a coroner investigates a death, the office of the coroner is required to
 33 make available for public inspection and copying the following:

- 34 (1) The name, age, address, sex, and race of the deceased.
- 35 (2) The address where the dead body was found, or if there is no
 36 address the location where the dead body was found and, if
 37 different, the address where the death occurred, or if there is no
 38 address the location where the death occurred.
- 39 (3) The name of the agency to which the death was reported and
 40 the name of the person reporting the death.
- 41 (4) The name of any public official or governmental employee
 42 present at the scene of the death and the name of the person



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



1 through a division at the time of the individual's death.

2 (e) Notwithstanding any other provision of this section, a coroner
3 shall make available, upon written request, a full copy of an autopsy
4 report, including a photograph, a video recording, or an audio recording
5 of the autopsy, to:

6 (1) the department of child services established by IC 31-25-1-1,
7 including an office of the department located in the county where
8 the death occurred;

9 (2) the statewide child fatality review committee established by
10 IC 16-49-4; or

11 (3) a county child fatality review team or regional child fatality
12 review team established under IC 16-49-2 for the area where the
13 death occurred;

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

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

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

34 (1) may not include:

35 (A) a photograph;

36 (B) a video recording; or

37 (C) an audio recording;

38 of the autopsy; and

39 (2) is confidential and may not be disclosed to another individual
40 or agency, unless otherwise authorized or required by law.

41 However, if immediately making available an autopsy report under this
42 subsection will interfere with the coroner's investigation or other legal



1 proceedings related to the decedent's death, the coroner may delay
 2 making available the requested autopsy related information until the
 3 investigation or other legal proceedings are concluded.

4 ~~(g)~~ **(h)** Except as provided in subsection ~~(h)~~; **(i)**, the information
 5 required to be available under subsection (a) must be completed not
 6 later than fourteen (14) days after the completion of:

7 (1) the autopsy report; or

8 (2) if applicable, any other report, including a toxicology report,
 9 requested by the coroner as part of the coroner's investigation;

10 whichever is completed last.

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

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

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

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

30 (1) the public interest will be served by allowing access; and

31 (2) access to the information specified in subsection (a) would not
 32 create a significant risk to the criminal investigation of the death.

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

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

37 (1) summarily grant, modify, or dismiss the petition; or

38 (2) set the matter for hearing.

39 If the court sets the matter for hearing, upon the motion of any party or
 40 upon the court's own motion, the court may close the hearing to the
 41 public.

42 ~~(m)~~ **(n)** If the person filing the petition for modification or



1 termination proves by a preponderance of the evidence that:
2 (1) the public interest will be served by allowing access; and
3 (2) access to the information specified in subsection (a) would not
4 create a significant risk to the criminal investigation of the death;
5 the court shall modify or terminate its order restricting access to the
6 information. In ruling on a request under this subsection, the court shall
7 state the court's reasons for granting or denying the request.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 142, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-218.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 218.3. "Maternal morbidity", for purposes of IC 16-50, has the meaning set forth in IC 16-50-1-1.**"

Page 1, line 4, delete "IC 16-50-1-1." and insert "IC 16-50-1-2."

Page 1, line 10, after "1." insert "As used in this article, "maternal morbidity" refers to any health condition occurring to an individual in Indiana that is attributable to or aggravated by pregnancy and childbirth.

Sec. 2."

Page 1, line 15, delete "2." and insert "**3. (a)**".

Page 1, line 17, after "maternal" insert "**morbidity and maternal**".

Page 2, line 1, after "maternal" insert "**morbidity and maternal**".

Page 2, line 4, after "maternal" insert "**morbidity and maternal**".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"(b) The statewide mortality review committee:

(1) shall review cases of maternal mortality; and

(2) may review cases of maternal morbidity."

Page 2, line 7, delete "3." and insert "4."

Page 2, line 31, delete "Nurse midwifery." and insert "**Midwifery**".

Page 3, line 1, after "death" insert "**or maternal morbidity**".

Page 3, line 2, after "not" insert "**open to the**".

Page 3, line 3, delete "4." and insert "5."

Page 3, line 11, delete "5." and insert "**6. (a)**".

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"(b) The state department may provide data held by the state department, including:

(1) vital statistics;

(2) trauma data; and

(3) hospital discharge data;

to the statewide maternal mortality review coordinator to aid in the identification of cases of maternal morbidity and maternal mortality."



Page 3, line 19, delete "6." and insert "7."

Page 3, line 22, delete "shall do" and insert "**may do any of**".

Page 3, line 26, delete "7(a)" and insert "**8(a)**".

Page 3, line 32, after "to maternal" insert "**morbidities and maternal**".

Page 3, line 32, after "of maternal" insert "**morbidities and maternal**".

Page 3, line 37, after "maternal" insert "**morbidities and maternal**".

Page 4, line 3, delete "7." and insert "8."

Page 4, between lines 14 and 15, begin a new line block indented and insert:

"(7) Subject to IC 31-33-18-2, records held by the department of child services.

(8) To the extent allowable under state and federal law, other records held by the state department."

Page 5, line 9, delete "8." and insert "9."

Page 5, line 17, after "maternal" insert "**morbidity and maternal**".

Page 5, line 26, delete "9." and insert "10."

Page 6, line 7, delete "10." and insert "11."

Page 6, line 7, delete "death" and insert "**death, illness, or injury**".

Page 6, line 17, after "maternal" insert "**morbidity or maternal**".

Page 6, line 18, after "maternal" insert "**morbidity or maternal**".

Page 6, line 21, after "maternal" insert "**morbidities or maternal**".

Page 6, line 26, after "maternal" insert "**morbidities and maternal**".

Page 6, line 37, after "maternal" insert "**morbidity and maternal**".

Page 6, between lines 38 and 39, begin a new paragraph and insert:
 "SECTION 4. IC 31-33-18-2, AS AMENDED BY P.L.258-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:

(A) A police officer or other law enforcement agency.

(B) A prosecuting attorney.

(C) A coroner, in the case of the death of a child.

(4) A physician who has before the physician a child whom the



physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(13) A person about whom a report has been made, with protection for the identity of:



- (A) any person reporting known or suspected child abuse or neglect; and
 - (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.
- (14) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:
- (A) child at imminent risk of placement;
 - (B) child in need of services; or
 - (C) delinquent child.
- The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).
- (15) A local child fatality review team established under IC 16-49-2.
- (16) The statewide child fatality review committee established by IC 16-49-4.
- (17) The department.
- (18) The division of family resources, if the investigation report:
- (A) is classified as substantiated; and
 - (B) concerns:
 - (i) an applicant for a license to operate;
 - (ii) a person licensed to operate;
 - (iii) an employee of; or
 - (iv) a volunteer providing services at;
- a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.
- (19) A citizen review panel established under IC 31-25-2-20.4.
- (20) The department of child services ombudsman established by IC 4-13-19-3.
- (21) The state superintendent of public instruction with protection for the identity of:
- (A) any person reporting known or suspected child abuse or neglect; and
 - (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.
- (22) The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.
- (23) A person who operates a child caring institution, group



home, or secure private facility if all the following apply:

(A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.

(B) The report or other materials concern:

(i) an employee of;

(ii) a volunteer providing services at; or

(iii) a child placed at;

the child caring institution, group home, or secure private facility.

(C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.

(24) A person who operates a child placing agency if all the following apply:

(A) The child placing agency is licensed under IC 31-27.

(B) The report or other materials concern:

(i) a child placed in a foster home licensed by the child placing agency;

(ii) a person licensed by the child placing agency to operate a foster family home;

(iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or

(iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.

(C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the child placing agency or foster family home.

(25) The National Center for Missing and Exploited Children.

(26) A local domestic violence fatality review team established under IC 12-18-8, as determined by the department to be relevant to the death or near fatality that the local domestic violence fatality review team is reviewing.

(27) The statewide domestic violence fatality review committee established under IC 12-18-9-3, as determined by the department to be relevant to the death or near fatality that the statewide domestic violence fatality review committee is reviewing.



(28) The statewide maternal mortality review committee established under IC 16-50-1-3, as determined by the department to be relevant to the case of maternal morbidity or maternal mortality that the statewide maternal mortality review committee is reviewing."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 142 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0.

