

1 **SENATE FLOOR VERSION**

2 February 28, 2022

3 **AS AMENDED**

4 SENATE BILL NO. 849

5 By: Dossett (J.A.)

6 An Act relating to maternal mortality; amending 63
7 O.S. 2021, Section 1-242.2, which relates to Maternal
8 Mortality Review Committee; requiring compilation and
9 submission of certain report; and providing an
10 effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-242.2, is
13 amended to read as follows:

14 Section 1-242.2. A. There is hereby created, to continue until
15 November 1, 2029, the Maternal Mortality Review Committee. The
16 Committee shall have the power and duty to:

17 1. Conduct case reviews of the pregnancy-related and pregnancy-
18 associated maternal deaths of women in Oklahoma;

19 2. Improve the ability to provide high-quality, evidence-based
20 health care to women and infants in Oklahoma;

21 3. Identify gaps in the provision of health care services
22 including, but not limited to, quality of care, access to the most
23 appropriate health care, transportation and lack of financial
24 resources;

1 4. Review probable cause of death and identify contributing
2 factors;

3 5. Decide if the death was preventable, and if so what actions
4 could have been taken to prevent the death;

5 6. Identify action items related to issues identified to
6 improve the provision of health care and prevent future maternal
7 deaths;

8 7. Enter into agreements with other state, local and private
9 entities as necessary to carry out the duties of the Committee; and

10 8. Recommend rules to be promulgated as needed to and by the
11 State Commissioner of Health.

12 B. In carrying out its duties and responsibilities the
13 Committee shall:

14 1. Establish criteria for case review involving pregnancy-
15 related and pregnancy-associated maternal death or near death
16 subject to specific, in-depth review by the Committee;

17 2. Conduct review for all cases identified as pregnancy-related
18 and pregnancy-associated maternal deaths or near deaths where
19 sufficient information is obtainable to evaluate the case;

20 3. Establish and maintain statistical information related to
21 the deaths and near deaths necessary to compile data and identify
22 gaps in services or areas subject to improvement in the provision of
23 health care. The Committee shall compile an annual report of such
24 statistical information and submit the report to the **President Pro**

1 Tempore of the Senate and the Speaker of the House of

2 Representatives;

3 4. Establish procedures for obtaining information related to
4 the deaths necessary to accurately determine cause of death,
5 contributing factors, gaps in service and areas subject to
6 improvement in the provision of health care;

7 5. Contact family members and other affected or involved
8 persons to collect additional relevant data;

9 6. Request and obtain a copy of all records and reports
10 pertaining to the pregnancy-related and pregnancy-associated
11 maternal mortality or near-death case under review. All case
12 reviews shall remain in the possession of Committee staff and only
13 de-identified information will be presented to the Committee,
14 including but not limited to the following:

- 15 a. medical examiner reports,
- 16 b. hospital/health care entity records,
- 17 c. court records,
- 18 d. prosecutorial records,
- 19 e. local, state, and federal law enforcement records
20 including, but not limited to, the Oklahoma State
21 Bureau of Investigation,
- 22 f. fire department records,
- 23 g. State Department of Health records, including birth
24 and death certificate records,

- 1 h. medical and dental records,
- 2 i. Department of Mental Health and Substance Abuse
- 3 Services and other mental health records,
- 4 j. emergency medical service records, and
- 5 k. pharmacy records.

6 Confidential information provided to the Committee shall be
7 maintained by the Committee in a confidential manner as otherwise
8 required by state and federal law. Any person damaged by disclosure
9 of such confidential information by the Committee or its members
10 which is not authorized by law may maintain an action for damages,
11 costs and attorney fees pursuant to The Governmental Tort Claims
12 Act; and

13 7. Maintain all confidential information, documents and records
14 in possession of the Committee as confidential and not subject to
15 subpoena or discovery in any civil or criminal proceedings; provided
16 however, information, documents and records otherwise available from
17 other sources shall not be exempt from subpoena or discovery through
18 those sources solely because such information, documents and records
19 were presented to or reviewed by the Committee.

20 C. The review and discussion of individual cases of pregnancy-
21 related and pregnancy-associated maternal death or near death shall
22 be conducted in executive session. Any discussion of individual
23 cases and any writing produced by or created by the Committee as the
24 result of its review shall be privileged and shall not be admissible

1 in evidence in any proceeding. All other business shall be
2 conducted in accordance with the provisions of the Oklahoma Open
3 Meeting Act.

4 D. A health care provider, health care facility, pharmacy or
5 any other entity providing access to medical records pursuant to
6 this statute shall not be held liable for civil damages or be
7 subject to any criminal or disciplinary action for good-faith
8 efforts in providing such records.

9 SECTION 2. This act shall become effective **November 1, 2022.**

10 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
11 February 28, 2022 - DO PASS AS AMENDED
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