

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1205
(Representatives Steiner, Lefor, Meier, Rohr, Skroch, Strinden)
(Senators Myrdal, Wardner)

AN ACT to create and enact chapter 23-51 of the North Dakota Century Code, relating to establishing the maternal mortality review committee; to provide for a continuing appropriation; and to provide for a report to the legislative management and other agencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 23-51 of the North Dakota Century Code is created and enacted as follows:

23-51-01. Definitions.

As used in this chapter:

1. "Committee" means the maternal mortality review committee.
2. "Department" means the obstetrics and gynecology department of the university of North Dakota school of medicine and health sciences.
3. "Health care provider" means:
 - a. An individual licensed, certified, or otherwise authorized to provide health care services in the ordinary course of business in the state; or
 - b. A health facility licensed by the state department of health.
4. "Maternal mortality" means the death of a pregnant woman or a woman within one year postpartum.
5. "School" means the university of North Dakota school of medicine and health sciences.
6. "Severe maternal morbidity" means a condition occurring in a woman during pregnancy or within one year of the end of pregnancy which results in:
 - a. Admission to the intensive care unit of a health facility; or
 - b. Transfusion of four or more units of blood products.

23-51-02. Maternal mortality review committee.

The department shall appoint individuals to serve as members on the maternal mortality review committee. Committee membership must include representatives of multiple specialties and disciplines, including forensic pathology. In appointing members, the department shall endeavor to appoint individuals working in and representing communities affected by pregnancy-related deaths, severe maternal morbidity, and a lack of access to relevant perinatal and intrapartum care services.

23-51-03. Powers and duties of committee.

1. The committee shall:
 - a. Identify maternal mortality cases in the state;
 - b. Obtain and conduct comprehensive reviews of medical records and other relevant data using best practices for case reviews to identify factors associated with the deaths;

- c. Consult, as appropriate, with relevant experts to evaluate and interpret the records and data;
- d. Consult, as appropriate, with family members and other affected or involved persons to collect additional relevant information;
- e. Make determinations regarding the preventability of maternal deaths;
- f. Develop policy recommendations to improve health care services for women and reduce the incidence of maternal mortality in the state;
- g. Convene annually and provide committee members with the available information necessary to fully review each case; and
- h. Compile annually a state report of fatalities reviewed.

2. The committee may review cases and trends in severe maternal morbidity.

23-51-04. Powers and duties of school - Continuing appropriation.

1. The school shall provide or arrange for administrative services to assist the committee in performing official duties, including collection and management of case review files, maintenance of records, collection and analysis of data, and the issuance of an annual state report on maternal mortality. The school is responsible for the confidentiality and security of data on the sharing site on which the documents are stored.
2. The school may accept gifts and grants from any source to fund the duties of the department and the committee under this chapter. The school shall apply for and use available federal money to fund the duties of the committee under this chapter. All moneys received by the school under this section are appropriated on a continuing basis to the school for the purpose of funding the duties of the committee and the department under this chapter.

23-51-05. Confidentiality.

1. Notwithstanding section 44-04-19, all portions of a meeting of the committee during which the committee reviews maternal mortality and severe maternal morbidity are closed to the public. Notwithstanding section 44-04-18, all documentation and reports of the committee which are related to committee review of maternal deaths are confidential, except for the annual state report, which may not disclose personally identifiable information of decedents. Records deemed confidential under this section are not discoverable as evidence.
2. All proceedings and activities of the committee under this chapter; committee members' opinions formed as a result of the proceedings and activities; and records obtained, created, or maintained under this chapter, including records of interviews, written reports, and statements procured by the department, the committee, or any other person acting jointly or under contract with the department or committee in connection with requirements of this chapter, are confidential and not subject to section 44-04-18, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. This section may not be construed to limit or restrict the right to discover or use information or records available from another source and independent of the proceedings of the committee in any civil or criminal proceeding.

23-51-06. Access to records.

1. The presiding officer of the committee may request from a health care provider all patient records of the provider from the most recent thirty-six-month period which pertain to an identified maternal mortality. Upon receipt of a written request for the information, a health care provider shall disclose the records. The presiding officer also may acquire the information from health care facilities, maternal mortality review programs, and other sources in other

states to ensure the committee's records of North Dakota maternal mortality cases are accurate and complete.

2. The state department of health shall provide a certified copy of a complete death record to the committee upon request.

23-51-07. Immunity.

A member of the committee or person employed by or acting in an advisory capacity to the committee and which provides information, counsel, or services to the committee is not liable for damages for an action taken within the scope of the functions of the committee. Members of the committee may not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the committee. A committee member or health care provider providing access to medical records pursuant to this chapter may not be held liable for civil damages or be subject to any criminal or disciplinary action for a good faith effort in providing the records.

23-51-08. Annual state report.

1. The committee's annual state report must include the identification of patterns, trends, and policy issues related to maternal mortality, but may not disclose personally identifiable information.
2. The committee shall provide the annual state report to the legislative management, the state department of health, the North Dakota society of obstetricians and gynecologists, and other entities as determined necessary by the committee to facilitate the objectives of the committee. The committee's findings and recommendations must be made available to health care providers and the public.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1205.

House Vote: Yeas 94 Nays 0 Absent 0

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State