

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1205**

Introduced by

Representatives Steiner, Lefor, Meier, Rohr, Skroch, Strinden

Senators Myrdal, Wardner

1 A BILL for an Act to create and enact chapter 23-51 of the North Dakota Century Code, relating
2 to establishing the maternal mortality review committee; to provide for a continuing
3 appropriation; and to provide for a report to the legislative management and other agencies.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **23-51-01. Definitions.**

8 As used in this chapter:

9 1. "Committee" means the maternal mortality review committee.

10 2. "Department" means the obstetrics and gynecology department of the university of
11 North Dakota school of medicine and health sciences.

12 3. "Health care provider" means:

13 a. An individual licensed, certified, or otherwise authorized to provide health care
14 services in the ordinary course of business in the state; or

15 b. A health facility licensed by the state department of health.

16 4. "Maternal mortality" means the death of a pregnant woman or a woman within one
17 year postpartum.

18 5. "School" means the university of North Dakota school of medicine and health
19 sciences.

20 6. "Severe maternal morbidity" means a condition occurring in a woman during
21 pregnancy or within one year of the end of pregnancy which results in:

22 a. Admission to the intensive care unit of a health facility; or

23 b. Transfusion of four or more units of blood products.

1 **23-51-02. Maternal mortality review committee.**

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

8 **23-51-03. Powers and duties of committee.**

9 1. The committee shall:

- 10 a. Identify maternal mortality cases in the state;
11 b. Obtain and conduct comprehensive reviews of medical records and other
12 relevant data using best practices for case reviews to identify factors associated
13 with the deaths;
14 c. Consult, as appropriate, with relevant experts to evaluate and interpret the
15 records and data;
16 d. Consult, as appropriate, with family members and other affected or involved
17 persons to collect additional relevant information;
18 e. Make determinations regarding the preventability of maternal deaths;
19 f. Develop policy recommendations to improve health care services for women and
20 reduce the incidence of maternal mortality in the state;
21 g. Convene annually and provide committee members with the available information
22 necessary to fully review each case; and
23 h. Compile annually a state report of fatalities reviewed.

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

25 **23-51-04. Powers and duties of school - Continuing appropriation.**

- 26 1. The school shall provide or arrange for administrative services to assist the committee
27 in performing official duties, including collection and management of case review files,
28 maintenance of records, collection and analysis of data, and the issuance of an annual
29 state report on maternal mortality. The school is responsible for the confidentiality and
30 security of data on the sharing site on which the documents are stored.

1 2. The school may accept gifts and grants from any source to fund the duties of the
2 department and the committee under this chapter. The school shall apply for and use
3 available federal money to fund the duties of the committee under this chapter. All
4 moneys received by the school under this section are appropriated on a continuing
5 basis to the school for the purpose of funding the duties of the committee and the
6 department under this chapter.

7 **23-51-05. Confidentiality.**

8 1. Notwithstanding section 44-04-19, all portions of a meeting of the committee during
9 which the committee reviews maternal mortality and severe maternal morbidity are
10 closed to the public. Notwithstanding section 44-04-18, all documentation and reports
11 of the committee which are related to committee review of maternal deaths are
12 confidential, except for the annual state report, which may not disclose personally
13 identifiable information of decedents. Records deemed confidential under this section
14 are not discoverable as evidence.

15 2. All proceedings and activities of the committee under this chapter; committee
16 members' opinions formed as a result of the proceedings and activities; and records
17 obtained, created, or maintained under this chapter including records of interviews,
18 written reports, and statements procured by the department, the committee, or any
19 other person acting jointly or under contract with the department or committee in
20 connection with requirements of this chapter, are confidential and not subject to
21 section 44-04-18, or subject to subpoena, discovery, or introduction into evidence in
22 any civil or criminal proceeding. This section may not be construed to limit or restrict
23 the right to discover or use information or records available from another source and
24 independent of the proceedings of the committee in any civil or criminal proceeding.

25 **23-51-06. Access to records.**

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

1 programs, and other sources in other states to ensure the committee's records of
2 North Dakota maternal mortality cases are accurate and complete.

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

5 **23-51-07. Immunity.**

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

14 **23-51-08. Annual state report.**

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