HOUSE BILL NO. 494

AN ACT TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO
1 ESTABLISH THE MATERNAL MORTALITY REVIEW COMMITTEE TO REVIEW
2 MATERNAL DEATHS AND ESTABLISH STRATEGIES TO PREVENT MATERNAL
3 DEATHS; TO ASSIGN THE COMMITTEE TO THE STATE DEPARTMENT OF HEALTH
4 FOR ADMINISTRATIVE PURPOSES, AND DIRECT THE DEPARTMENT TO
5 DESIGNATE STAFF TO ASSIST THE COMMITTEE; TO DIRECT THE COMMITTEE
6 TO SUBMIT A REPORT ANNUALLY TO THE HOUSE AND SENATE PUBLIC HEALTH
7 COMMITTEES, INCLUDING THE NUMBERS, CAUSES AND RELEVANT DEMOGRAPHIC
8 INFORMATION ON MATERNAL MORTALITY DEATHS IN MISSISSIPPI, AND
9 APPROPRIATE RECOMMENDATIONS TO THE LEGISLATURE ON HOW TO MOST
10 EFFECTIVELY DIRECT STATE RESOURCES TO DECREASE MATERNAL MORTALITY
11 IN MISSISSIPPI; TO PROVIDE THAT DATA FOR THE COMMITTEE'S REVIEW
12 AND REPORTING SHALL BE PROVIDED TO THE COMMITTEE BY AGENCIES,
13 OFFICIALS AND HEALTH CARE PROVIDERS HAVING INFORMATION NECESSARY
14 FOR THE COMMITTEE TO CARRY OUT ITS DUTIES; TO REQUIRE PHYSICIANS,
15 HOSPITALS AND PHARMACIES TO PROVIDE REASONABLE ACCESS TO THE
16 COMMITTEE TO ALL RELEVANT MEDICAL RECORDS ASSOCIATED WITH A CASE
17 UNDER REVIEW BY THE COMMITTEE; TO PROVIDE IMMUNITY TO PHYSICIANS,
18 HOSPITALS AND PHARMACIES PROVIDING ACCESS TO THOSE RECORDS IN GOOD
19 FAITH; TO PROVIDE FOR CONFIDENTIALITY AND PROHIBITIONS ON
20 DISCLOSURE OR ADMISSIBILITY AS EVIDENCE IN ANY PROCEEDING OF ALL
21 INFORMATION, RECORDS AND OTHER DATA COLLECTED BY THE COMMITTEE; TO
22 PROVIDE THAT ALL PROCEEDINGS AND ACTIVITIES OF THE COMMITTEE,
23 OPINIONS OF MEMBERS OF THE COMMITTEE FORMED AS A RESULT OF THOSE
24 PROCEEDINGS AND ACTIVITIES, AND RECORDS OBTAINED, CREATED OR
25 MAINTAINED BY THE COMMITTEE ARE CONFIDENTIAL AND ARE NOT SUBJECT
26 TO THE MISSISSIPPI PUBLIC RECORDS ACT; TO AUTHORIZE THE COMMITTEE
27 TO COMPILE REPORTS OF AGGREGATED, NONINDIVIDUALLY IDENTIFIABLE
28 DATA ON A ROUTINE BASIS FOR DISTRIBUTION IN AN EFFORT TO FURTHER
29 STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH MATERNAL DEATHS; AND
30 FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
SECTION 1.  (1) The State Department of Health is authorized to establish the Maternal Mortality Review Committee to review maternal deaths and establish strategies to prevent maternal deaths. The committee shall be multidisciplinary and be composed of such members as deemed appropriate by the department. The committee may develop subcommittees to carry out the purposes of the committee.

(2) The chairman of the committee shall be elected annually by the committee membership. The committee shall develop and implement such procedures and policies necessary for its operation, including providing the necessary data, information and resources to ensure successful completion of the ongoing review required by this section. The committee shall be assigned to the State Department of Health for administrative purposes, and the department shall designate staff to assist the committee.

(3) The committee shall submit a report annually to the Chairmen of the House Public Health and Human Services Committee and the Senate Public Health and Welfare Committee on or before December 1. The report shall include the numbers, causes and relevant demographic information on maternal mortality deaths in Mississippi, and appropriate recommendations to the Legislature on how to most effectively direct state resources to decrease maternal mortality in Mississippi. Data for the committee's review and reporting shall be provided to the committee, upon the request of the committee, by the State Medical Examiner's Office,
State Department of Health, Department of Human Services, medical examiners, coroners, health care providers, law enforcement agencies, any other agencies or officials having information that is necessary for the committee to carry out its duties under this section.

(4) Physicians licensed under Section 73-25-1 et seq., hospitals licensed under Section 41-9-1 et seq., and pharmacies licensed under Section 73-21-69 et seq., shall provide reasonable access to the committee to all relevant medical records associated with a case under review by the committee.

(5) A physician, hospital or pharmacy providing access to medical records under this section shall not be held liable for civil damages or be subject to any criminal or disciplinary action for good faith efforts in providing such records.

(6) Information, records, reports, statements, notes, memoranda or other data collected under this section shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person. Such information, records, reports, statements, notes, memoranda or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department or any other person, except as may be necessary for the purpose of furthering the review of the committee of the case to which they relate. No person participating in such review
shall disclose, in any manner, the information so obtained except
in strict conformity with such review project.

(7) All information, records of interviews, written reports, statements, notes, memoranda or other data obtained by the department, the committee, and other persons, agencies or organizations so authorized by the department under this section shall be confidential.

(8) All proceedings and activities of the committee under this section, opinions of members of the committee formed as a result of those proceedings and activities, and records obtained, created, or maintained under this section, including records of interviews, written reports and statements procured by the department or any other person, agency or organization acting jointly or under contract with the department in connection with the requirements of this section, shall be confidential and shall not be subject to the Mississippi Public Records Act of 1983, Sections 25-61-1 through 25-61-17, relating to open records, or subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding; however, nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and independently of the proceedings of the committee.

(9) Members of the committee shall 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; however, nothing in this section shall be construed to prevent a member of the committee from testifying to information obtained independently of the proceedings of the committee or which is public information.

(10) Reports of aggregated, nonindividually identifiable data shall be compiled on a routine basis for distribution in an effort to further study the causes and problems associated with maternal deaths. Reports shall be distributed to the Legislature, health care providers and facilities, key government agencies, and others necessary to reduce the maternal death rate.

(11) The provisions of this section, including the confidentiality provided in subsections (6) through (8), shall be deemed part of the substantive law of this state enacted for the expressed legislative purpose of promoting quality patient care through medical peer review activities.

SECTION 2. This act shall take effect and be in force from and after July 1, 2017.