

H.572

An act relating to the Maternal Mortality Review Panel

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 1552 is amended to read:

§ 1552. MATERNAL MORTALITY REVIEW PANEL ESTABLISHED

(a) There is established the Maternal Mortality Review Panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in Vermont for the purposes of identifying factors associated with the deaths and making recommendations for system changes to improve health care services for women in this State. The Panel shall consider health disparities and social determinants of health, including race and ethnicity in maternal death reviews.

(b)(1) The members of the Panel shall be appointed by the Commissioner of Health as follows:

~~(1)~~(A) Two members from the Vermont section of the American College of Obstetricians and Gynecologists, one of whom shall be a generalist obstetrician and one of whom shall be a maternal fetal medicine specialist.

~~(2)~~(B) One member from the Vermont chapter of the American Academy of Pediatrics, specializing in neonatology.

~~(3)~~(C) One member from the Vermont chapter of the American College of Nurse-Midwives.

~~(4)~~(D) One member who is a midwife licensed pursuant to 26 V.S.A. chapter 85.

~~(5)~~(E) One member from the Vermont section of the Association of Women's Health, Obstetric and Neonatal Nurses.

~~(6)~~(F) The Director of the Division of Maternal and Child Health in the Vermont Department of Health, or designee.

~~(7)~~(G) An epidemiologist from the Department of Health with experience analyzing perinatal data, or designee.

~~(8)~~(H) The Chief Medical Examiner or designee.

~~(9)~~(I) A representative of the community mental health centers.

~~(10)~~(J) A member of the public.

~~(b)~~(2) The Commissioner may appoint any of the following members to one-year terms:

(A) a licensed clinical provider specializing in substance use disorder;

(B) an expert in the pharmaceutical management of mental health;  
and

(C) a social worker.

(3) The Panel may consult experts as needed on a case by case basis.

An expert consulted pursuant to this subdivision shall be subject to the same restrictions and protections as Panel members with regard to privacy, security, and the disclosure of information.

(c) The term of each member listed in subdivision (b)(1) of this section shall be three years and the terms shall be staggered. The Commissioner shall appoint the initial Chair of the Panel, who shall call the first meeting of the Panel and serve as Chair for six months, after which time the Panel shall elect its Chair. ~~Members of the Panel shall receive no compensation.~~

~~(e)~~(d) The Commissioner may delegate to the Northern New England Perinatal Quality Improvement Network (NNEPQIN) the functions of collecting, analyzing, and disseminating maternal mortality information; organizing and convening meetings of the Panel; and such other substantive and administrative tasks as may be incident to these activities. The activities of the NNEPQIN and its employees or agents shall be subject to the same confidentiality provisions as apply to members of the Panel.

(e) The Department may enter into reciprocal agreements with other states that have maternal mortality review panels provided access under such agreements is consistent with privacy, security, and disclosure protections in this chapter.

(f) The Panel's review process shall not commence until any criminal prosecution arising out of the maternal mortality is concluded by the Attorney General and a State's Attorney provides written notice to the Panel that no criminal charges shall be filed.

(g) Annually, on or before January 15, the Panel shall submit a report with its findings and recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare, provided that releasing the information complies with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191.

(h) Members of the Panel shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than three meetings annually. These payments shall be made from monies appropriated to the Department of Health.

Sec. 2. 18 V.S.A. § 1554 is amended to read:

§ 1554. CONFIDENTIALITY

(a) The Panel's meetings are confidential and shall be exempt from the Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2. The Panel's proceedings, records, and opinions shall be confidential and shall not be subject to inspection or review under 1 V.S.A. chapter 5, subchapter 3 or to records produced or acquired by the Panel are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Panel are not subject to discovery, subpoena, or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing in this subsection 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 entirely independent of the Panel's proceedings.

(b) Members of the Panel shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting of the Panel; provided, however, that nothing in this subsection shall be construed to prevent a member of the Panel from testifying to information obtained independently of the Panel or ~~which~~ that is public information.

Sec. 3. 18 V.S.A. § 1555 is amended to read:

§ 1555. INFORMATION RELATED TO MATERNAL MORTALITY

(a)(1) Health care providers; health care facilities; clinics; laboratories; medical records departments; and State offices, agencies, and departments shall report all maternal mortality deaths to the Chair of the Maternal Mortality Review Panel and to the Commissioner of Health or designee.

(2) The Commissioner and the Chair may acquire the information described in subdivision (1) of this subsection from health care facilities, maternal mortality review programs, and other sources in other states to ensure that the Panel's records of Vermont maternal mortality cases are accurate and complete.

(b)(1) ~~The Commissioner shall have access to individually identifiable information relating to the occurrence of maternal deaths only on a case-by-~~

~~case basis where public health is at risk. As used in this section, “individually identifiable information” includes vital records; hospital discharge data; prenatal, fetal, pediatric, or infant medical records; hospital or clinic records; laboratory reports; records of fetal deaths or induced terminations of pregnancies; and autopsy reports.~~ In any case under review by the Panel, upon written request of the Commissioner or designee, a person who possesses information or records that are necessary and relevant to the review of a maternal mortality shall, as soon as practicable, provide the Panel with the information and records. All requests for information or records by the Commissioner or designee related to a case under review shall be provided by the person possessing the information or records to the Panel at no cost.

(2) The Commissioner or designee may retain identifiable information regarding facilities where maternal deaths occur and geographic information on each case solely for the purposes of trending and analysis over time. In accordance with the rules adopted pursuant to subdivision 1556(4) of this title, all individually identifiable information on individuals and identifiable information on facilities shall be removed prior to any case review by the Panel.

(3) The Chair shall not acquire or retain any individually identifiable information.

(4) As used in this subsection, “individually identifiable information” includes vital records; hospital discharge data; prenatal, fetal, pediatric, or infant medical records; hospital or clinic records; laboratory reports; records of fetal deaths or induced terminations of pregnancies; and autopsy reports.

(c) If a root cause analysis of a maternal mortality event has been completed, the findings of such analysis shall be included in the records supplied to the review Panel.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.