

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 572 entitled “An act relating to the Maternal Mortality Review Panel”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended the bill be amended as
6 follows:

7 First: By inserting a new Sec. 2 after Sec. 1 to read as follows:

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

9 § 1554. CONFIDENTIALITY

10 (a) The Panel’s meetings are confidential and shall be exempt from the
11 Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2. The Panel’s
12 ~~proceedings, records, and opinions shall be confidential and shall not be~~
13 ~~subject to inspection or review under 1 V.S.A. chapter 5, subchapter 3 or to~~
14 records produced or acquired by the Panel are exempt from public inspection
15 and copying under the Public Records Act and shall be kept confidential. The
16 records of the Panel are not subject to discovery, subpoena, or introduction into
17 evidence in any civil or criminal proceeding; provided, however, that nothing
18 in this subsection shall be construed to limit or restrict the right to discover or
19 use in any civil or criminal proceeding anything that is available from another
20 source and entirely independent of the Panel’s proceedings.

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

7 and by renumbering the remaining sections to be numerically correct
8 Second: By striking out the newly renumbered Sec. 3, 18 V.S.A. § 1555, in its
9 entirety and inserting a new Sec. 3 to read as follows:

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

11 § 1555. INFORMATION RELATED TO MATERNAL MORTALITY

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

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

1 (b)(1) ~~The Commissioner shall have access to individually identifiable~~
2 ~~information relating to the occurrence of maternal deaths only on a case-by-~~
3 ~~case basis where public health is at risk. As used in this section, “individually~~
4 ~~identifiable information” includes vital records; hospital discharge data;~~
5 ~~prenatal, fetal, pediatric, or infant medical records; hospital or clinic records;~~
6 ~~laboratory reports; records of fetal deaths or induced terminations of~~
7 ~~pregnancies; and autopsy reports. In any case under review by the Panel, upon~~
8 ~~written request of the Commissioner or designee, a person who possesses~~
9 ~~information or records that are necessary and relevant to the review of a~~
10 ~~maternal mortality shall, as soon as practicable, provide the Panel with the~~
11 ~~information and records. All requests for information or records by the~~
12 ~~Commissioner or designee related to a case under review shall be provided by~~
13 ~~the person possessing the information or records to the Panel at no cost.~~

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

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

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

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

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE