

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SCS/HCS/House Bill No. 447, Page 12, Section 58.720, Line 102,

2 by inserting after all of said line the following:

3 "192.067. 1. The department of health and senior services,
4 for purposes of conducting epidemiological studies to be used in
5 promoting and safeguarding the health of the citizens of Missouri
6 under the authority of this chapter is authorized to receive
7 information from patient medical records. The provisions of this
8 section shall also apply to the collection, analysis, and
9 disclosure of nosocomial infection data from patient records
10 collected pursuant to section 192.667 and to the collection of
11 data under section 192.990.

12 2. The department shall maintain the confidentiality of all
13 medical record information abstracted by or reported to the
14 department. Medical information secured pursuant to the
15 provisions of subsection 1 of this section may be released by the
16 department only in a statistical aggregate form that precludes
17 and prevents the identification of patient, physician, or medical
18 facility except that medical information may be shared with other
19 public health authorities and coinvestigators of a health study
20 if they abide by the same confidentiality restrictions required
21 of the department of health and senior services and except as
22 otherwise authorized by the provisions of sections 192.665 to
23 192.667, or section 192.990. The department of health and senior
24 services, public health authorities and coinvestigators shall use
25 the information collected only for the purposes provided for in

1 this section [and], section 192.667, or section 192.990.

2 3. No individual or organization providing information to
3 the department in accordance with this section shall be deemed to
4 be or be held liable, either civilly or criminally, for divulging
5 confidential information unless such individual organization
6 acted in bad faith or with malicious purpose.

7 4. The department of health and senior services is
8 authorized to reimburse medical care facilities, within the
9 limits of appropriations made for that purpose, for the costs
10 associated with abstracting data for special studies.

11 5. Any department of health and senior services employee,
12 public health authority or coinvestigator of a study who
13 knowingly releases information which violates the provisions of
14 this section shall be guilty of a class A misdemeanor and, upon
15 conviction, shall be punished as provided by law.

16 192.990. 1. There is hereby established within the
17 department of health and senior services the "Pregnancy-
18 Associated Mortality Review Board" to improve data collection and
19 reporting with respect to maternal deaths. The department may
20 collaborate with localities and with other states to meet the
21 goals of the initiative.

22 2. For purposes of this section, the following terms shall
23 mean:

24 (1) "Department", the Missouri department of health and
25 senior services;

26 (2) "Maternal death", the death of a woman while pregnant
27 or during the one-year period following the date of the end of
28 pregnancy, regardless of the cause of death and regardless of
29 whether a delivery, miscarriage, or death occurs inside or

1 outside of a hospital.

2 3. The board shall be composed of no more than eighteen
3 members, with a chair elected from among its membership. The
4 board shall meet at least twice per year and shall approve the
5 strategic priorities, funding allocations, work processes, and
6 products of the board. Members of the board shall be appointed
7 by the director of the department. Members shall serve four-year
8 terms, except that the initial terms shall be staggered so that
9 approximately one-third serve three, four, and five-year terms.

10 4. The board shall have a multidisciplinary and diverse
11 membership that represents a variety of medical and nursing
12 specialties, including, but not limited to, obstetrics and
13 maternal-fetal care, as well as state or local public health
14 officials, epidemiologists, statisticians, community
15 organizations, geographic regions, and other individuals or
16 organizations that are most affected by maternal deaths and lack
17 of access to maternal health care services.

18 5. The duties of the board shall include, but not be
19 limited to:

20 (1) Conducting ongoing comprehensive, multidisciplinary
21 reviews of all maternal deaths;

22 (2) Identifying factors associated with maternal deaths;

23 (3) Reviewing medical records and other relevant data,
24 which shall include, to the extent available:

25 (a) A description of the maternal deaths determined by
26 matching each death record of a maternal death to a birth
27 certificate of an infant or fetal death record, as applicable,
28 and an indication of whether the delivery, miscarriage, or death
29 occurred inside or outside of a hospital;

1 (b) Data collected from medical examiner and coroner
2 reports, as appropriate; and

3 (c) Using other appropriate methods or information to
4 identify maternal deaths, including deaths from pregnancy
5 outcomes not identified under paragraph (a) of this subdivision;

6 (4) Consulting with relevant experts, as needed;

7 (5) Analyzing cases to produce recommendations for reducing
8 maternal mortality;

9 (6) Disseminating recommendations to policy makers, health
10 care providers and facilities, and the general public;

11 (7) Recommending and promoting preventative strategies and
12 making recommendations for systems changes;

13 (8) Protecting the confidentiality of the hospitals and
14 individuals involved in any maternal deaths;

15 (9) Examining racial and social disparities in maternal
16 deaths;

17 (10) Subject to appropriation, providing for voluntary and
18 confidential case reporting of maternal deaths to the appropriate
19 state health agency by family members of the deceased, and other
20 appropriate individuals, for purposes of review by the board;

21 (11) Making publicly available the contact information of
22 the board for use in such reporting;

23 (12) Conducting outreach to local professional
24 organizations, community organizations, and social services
25 agencies regarding the availability of the review board; and

26 (13) Ensuring that data collected under this section is
27 made available, as appropriate and practicable, for research
28 purposes, in a manner that protects individually identifiable or
29 potentially identifiable information and that is consistent with

1 state and federal privacy laws.

2 6. The board may contract with other entities consistent
3 with the duties of the board.

4 7. (1) Before June 30, 2020, and annually thereafter, the
5 board shall submit to the Director of the Centers for Disease
6 Control and Prevention, the director of the department, the
7 governor, and the general assembly a report on maternal mortality
8 in the state based on data collected through ongoing
9 comprehensive, multidisciplinary reviews of all maternal deaths,
10 and any other projects or efforts funded by the board. The data
11 shall be collected using best practices to reliably determine and
12 include all maternal deaths, regardless of the outcome of the
13 pregnancy and shall include data, findings, and recommendations
14 of the committee, and, as applicable, information on the
15 implementation during such year of any recommendations submitted
16 by the board in a previous year.

17 (2) The report shall be made available to the public on the
18 department's website and the director shall disseminate the
19 report to all health care providers and facilities that provide
20 women's health services in the state.

21 8. The director of the department, or his or her designee,
22 shall provide the board with the copy of the death certificate
23 and any linked birth or fetal death certificate for any maternal
24 death occurring within the state.

25 9. Upon request by the department, health care providers,
26 health care facilities, clinics, laboratories, medical examiners,
27 coroners, law enforcement agencies, driver's license bureaus,
28 other state agencies, and facilities licensed by the department
29 shall provide to the department data related to maternal deaths

1 from sources such as medical records, autopsy reports, medical
2 examiner's reports, coroner's reports, law enforcement reports,
3 motor vehicle records, social services records, and other sources
4 as appropriate. Such data requests shall be limited to maternal
5 deaths which have occurred within the previous twenty-four
6 months. No entity shall be held liable for civil damages or be
7 subject to any criminal or disciplinary action when complying in
8 good faith with a request from the department for information
9 under the provisions of this subsection.

10 10. (1) The board shall protect the privacy and
11 confidentiality of all patients, decedents, providers, hospitals,
12 or any other participants involved in any maternal deaths. In no
13 case shall any individually identifiable health information be
14 provided to the public or submitted to an information
15 clearinghouse.

16 (2) Nothing in this subsection shall prohibit the board or
17 department from publishing statistical compilations and research
18 reports that:

19 (a) Are based on confidential information relating to
20 mortality reviews under this section; and

21 (b) Do not contain identifying information or any other
22 information that could be used to ultimately identify the
23 individuals concerned.

24 (3) Information, records, reports, statements, notes,
25 memoranda, or other data collected under this section shall not
26 be admissible as evidence in any action of any kind in any court
27 or before any other tribunal, board, agency, or person. Such
28 information, records, reports, notes, memoranda, data obtained by
29 the department or any other person, statements, notes, memoranda,

1 or other data shall not be exhibited nor their contents disclosed
2 in any way, in whole or in part, by any officer or representative
3 of the department or any other person. No person participating
4 in such review shall disclose, in any manner, the information so
5 obtained except in strict conformity with such review project.
6 Such information shall not be subject to disclosure under chapter
7 610.

8 (4) All information, records of interviews, written
9 reports, statements, notes, memoranda, or other data obtained by
10 the department, the board, and other persons, agencies, or
11 organizations so authorized by the department under this section
12 shall be confidential.

13 (5) All proceedings and activities of the board, opinions
14 of members of such board formed as a result of such proceedings
15 and activities, and records obtained, created, or maintained
16 under this section, including records of interviews, written
17 reports, statements, notes, memoranda, or other data obtained by
18 the department or any other person, agency, or organization
19 acting jointly or under contract with the department in
20 connection with the requirements of this section, shall be
21 confidential and shall not be subject to subpoena, discovery, or
22 introduction into evidence in any civil or criminal proceeding;
23 provided, however, that nothing in this section shall be
24 construed to limit or restrict the right to discover or use in
25 any civil or criminal proceeding anything that is available from
26 another source and entirely independent of the board's
27 proceedings.

28 (6) Members of the board shall not be questioned in any
29 civil or criminal proceeding regarding the information presented

1 in or opinions formed as a result of a meeting or communication
2 of the board; provided, however, that nothing in this section
3 shall be construed to prevent a member of the board from
4 testifying to information obtained independently of the board or
5 which is public information.

6 11. The department may use grant program funds to support
7 the efforts of the board and may apply for additional federal
8 government and private foundation grants as needed. The
9 department may also accept private, foundation, city, county, or
10 federal moneys to implement the provisions of this section."; and

11 Further amend the title and enacting clause accordingly.