

# STATE OF NEW YORK

10344

## IN ASSEMBLY

April 13, 2018

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing maternity mortality review boards

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 2509 to read as follows:

3 § 2509. Maternal mortality review board. 1. (a) There is hereby estab-  
4 lished in the department the maternal mortality review board for the  
5 purpose of reviewing maternal deaths and severe maternal morbidity. The  
6 board shall assess the cause of death and factors leading to death and  
7 preventability for each maternal death reviewed and, in the discretion  
8 of the board, cases of severe maternal morbidity, and to develop strate-  
9 gies for reducing the risk of maternal mortality, and to assess and  
10 review severe maternal morbidity. The board shall consult with experts  
11 as needed to evaluate the information as to maternal death and severe  
12 maternal morbidity. The commissioner may delegate the authority of the  
13 state board to conduct maternal mortality reviews.

14 (b) The commissioner may enter into an agreement with the local  
15 government by or under which a local board is established providing:

16 (i) that the functions of the state board relating to maternal deaths  
17 and severe maternal morbidity occurring within the territory of the  
18 local government shall be conducted by the local board;

19 (ii) the local board shall provide to the state board the results of  
20 its reviews, relevant information in the possession of the local board,  
21 and the recommendations of the local board; and

22 (iii) the department and the state board shall provide information and  
23 assistance to the local board for the performance of its functions.

24 (b) As used in this section, unless the context requires otherwise:

25 (i) "Board" shall mean the maternal mortality review board established  
26 by this section and a maternal mortality review board established by or  
27 under a county department of health or the city of New York. "State  
28 board" shall mean the board established within the department and "local

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 board" shall mean a board established by or under a county department of  
2 health or the city of New York.

3 (ii) "Maternal death" means the death of a woman during pregnancy or  
4 within a year from the end of the pregnancy.

5 (iii) "Severe maternal morbidity" means unexpected outcomes of preg-  
6 nancy, labor, or delivery that result in significant short- or long-term  
7 consequences to a woman's health.

8 2. Each board shall:

9 (a) make recommendations to the commissioner, or in the case of a  
10 local board, to the appropriate local health officer, regarding the  
11 preventability of each maternal death case, and any case of severe  
12 maternal morbidity reviewed by the board, by reviewing relevant informa-  
13 tion for each case in the state or the territory of the local board, as  
14 the case may be, and regarding the improvement of women's health and the  
15 quality of health care of women and the prevention of maternal mortality  
16 and severe maternal morbidity. In addition, each board may make such  
17 recommendations to appropriate health care providers relating to a case  
18 reviewed by the board;

19 (b) keep confidential any individual identifying information as to a  
20 patient or health care provider collected under this section and this  
21 information shall be used solely for the purposes of improvement of  
22 women's health and the quality of health care of women, and to prevent  
23 maternal mortality and morbidity. Access to such information shall be  
24 limited to board members as well as those authorized by the commissioner  
25 or, in the case of a local board, the local health officer. However,  
26 where the commissioner or local health officer, as the case may be,  
27 believes that any such information includes evidence that the death or  
28 severe maternal morbidity was the result of a crime committed against  
29 the woman, he or she may provide information to an appropriate law  
30 enforcement agency. Such information shall not be subject to disclosure  
31 under article six of the public officers law and shall not be discovera-  
32 ble or admissible as evidence in any civil action of any kind in any  
33 court or before any other tribunal, board, agency or person;

34 (c) develop recommendations to the commissioner and local health offi-  
35 cer, as the case may be, for areas of focus, including issues of severe  
36 maternal morbidity and racial disparities in maternal outcomes; and

37 (d) Issue an annual report (excluding any individual identifying  
38 information as to a patient or health care provider) on its findings and  
39 recommendations, which shall be a public document.

40 3. (a) The members of the state board shall be composed of multidisci-  
41 plinary experts in the field of maternal mortality and women's health  
42 and shall include health care providers or other experts who serve women  
43 and mothers in medically underserved areas of the state or areas of the  
44 state with disproportionately high occurrences of maternal mortality or  
45 morbidity. The state board shall be composed of at least fifteen  
46 members, all of whom shall be appointed by the commissioner. The terms  
47 of the state board members shall be three years from the start of their  
48 appointment. The commissioner may choose to reappoint board members to  
49 additional three year terms.

50 (b) A majority of the appointed membership of the state board, no less  
51 than three, shall constitute a quorum.

52 (c) When any member of the state board fails to attend three consec-  
53 utive regular meetings, unless such absence is for good cause, that  
54 membership may be deemed vacant for purposes of the appointment of a  
55 successor.

1 (d) Meetings of the state board shall be held at least twice a year  
2 but may be held more frequently as deemed necessary, subject to request  
3 of the department.

4 4. Members of each board shall be indemnified pursuant to section  
5 seventeen of the public officers law or section fifty-k of the general  
6 municipal law, as the case may be.

7 5. The commissioner, and in the case of a local board, the local  
8 health officer, may request and shall receive upon request from any  
9 department, division, board, bureau, commission, local health depart-  
10 ments or other agency of the state or political subdivision thereof or  
11 any public authority, as well as hospitals established under article  
12 twenty-eight of this chapter, birthing facilities, medical examiners,  
13 coroners, and any coroner physicians and any other facility providing  
14 services associated with maternal mortality, such information, includ-  
15 ing, but not limited to, death records, medical records, autopsy  
16 reports, toxicology reports, hospital discharge records, birth records  
17 and any other information that will help the department under this  
18 section to properly carry out its functions, powers and duties.

19 § 2. The legislature finds and determines that this act relates to a  
20 matter of state concern.

21 § 3. This act shall take effect immediately.