

# STATE OF NEW YORK

10346

## IN ASSEMBLY

April 16, 2018

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

AN ACT to amend the public health law, in relation to establishing a maternal mortality review board

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

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

§ 2509. Maternal mortality review board. 1. (a) There is hereby established in the department the maternal mortality review board for the purpose of reviewing maternal deaths and morbidity. The board shall assess the cause of death and factors leading to death and preventability for each maternal death reviewed and, in the discretion of the board, cases of severe maternal morbidity, and to develop strategies for reducing the risk of maternal mortality, and to assess and review maternal morbidity. Each board shall consult with experts as needed to evaluate the information as to maternal death and severe maternal morbidity. The commissioner may delegate the authority of the state board to conduct maternal mortality reviews.

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

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

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

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

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

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

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:

9 (a) Shall make recommendations to the commissioner, or in the case of  
10 a local board, to the appropriate local health officer, regarding the  
11 preventability of each maternal death case by reviewing relevant infor-  
12 mation for each case in the state or the territory of the local board,  
13 as the case may be, and regarding the improvement of women's health and  
14 the quality of health care of women and the prevention of maternal  
15 mortality and severe maternal morbidity.

16 (b) Shall keep confidential any individual identifying information as  
17 to a patient or health care provider collected under this section that  
18 is otherwise confidential or privileged, as provided by law. All records  
19 received, meetings conducted, reports and records made and maintained  
20 and all books and papers obtained by the board shall be confidential and  
21 shall not be open or made available, except by court order, and shall be  
22 limited to board members as well as those authorized by the commissioner  
23 or, in the case of a local board, the local health officer, provided,  
24 however that where the commissioner or local health officer, as the case  
25 may be, believes that any such information includes evidence that the  
26 death or severe maternal morbidity was the result of a crime committed  
27 against such woman, such commissioner or local health officer may  
28 provide information to an appropriate law enforcement agency. Except as  
29 provided in this section, the information collected under this section  
30 shall be used solely for the purposes of improvement of women's health  
31 and the quality of health care of women, and to prevent maternal mortal-  
32 ity and morbidity. Access to such information shall be limited to board  
33 members as well as those authorized by the commissioner or, in the case  
34 of a local board, the local health officer.

35 (c) Shall develop recommendations to the commissioner and local health  
36 officer, as the case may be, for areas of focus, including issues of  
37 severe maternal morbidity and racial disparities in maternal outcomes.

38 (d) May, in addition to the recommendations developed under paragraph  
39 (c) of this subdivision, and consistent with all federal and state  
40 confidentiality protections, provide recommendations to any individual  
41 or entity for appropriate actions to reduce the instances of maternal  
42 mortality and morbidity.

43 (e) Shall issue an annual report (excluding any individual identifying  
44 information as to a patient or health care provider) on its findings and  
45 recommendations, which shall be a public document.

46 (f) Disseminate an aggregated report with non-individually identifi-  
47 able data on a routine basis, but no less than once every two years, in  
48 an effort to further study the causes of maternal deaths and share  
49 prevention strategies. Reports shall be distributed to policy makers,  
50 health care providers, health care facilities and the general public.

51 3. (a) The members of the state board shall be composed of multidisci-  
52 plinary experts in the field of maternal mortality and women's health  
53 and shall include health care providers or other experts who serve  
54 and/or work with and are representative of the diversity of the women  
55 and mothers in medically underserved areas of the state or areas of the  
56 state with disproportionately high occurrences of maternal mortality or

1 morbidity. The state board shall be composed of at least fifteen  
2 members, all of whom shall be appointed by the commissioner. The terms  
3 of the state board members shall be three years from the start of their  
4 appointment. The commissioner may choose to reappoint board members to  
5 additional three year terms.

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

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

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

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

18 5. The commissioner, and in the case of a local board, the local  
19 health officer, may request and shall receive upon request from any  
20 department, division, board, bureau, commission, local health depart-  
21 ments or other agency of the state or political subdivision thereof or  
22 any public authority, as well as hospitals established pursuant to arti-  
23 cle twenty-eight of this chapter, birthing facilities, medical examin-  
24 ers, coroners, and any coroner physicians and any other facility provid-  
25 ing services associated with maternal mortality, such information,  
26 including, but not limited to, death records, medical records, autopsy  
27 reports, toxicology reports, hospital discharge records, birth records  
28 and any other information that will help the department under this  
29 section to properly carry out its functions, powers and duties.

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

32 § 3. This act shall take effect immediately.