

House Bill 46

By: Representatives Davis of the 87th, Schofield of the 63rd, and Scott of the 76th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to the Department of Public Health, so as to provide
3 for the composition of the Maternal Mortality Review Committee; to provide for causes for
4 which members of the committee may be removed from office; to provide for reports to the
5 General Assembly by the committee; to provide for the filling of vacancies on the committee;
6 to provide for compliance with confidentiality laws; to provide for investigations and reports
7 in response to unauthorized disclosures of confidential information; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to
12 general provisions relative to the Department of Public Health, is amended by revising Code
13 Section 31-2A-16, relating to Maternal Mortality Review Committee established, as follows:
14 "31-2A-16.

15 (a) The General Assembly finds that:

16 (1) Georgia currently ranks fiftieth in maternal deaths in the United States;

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(2) Maternal deaths are a serious public health concern and have a tremendous family and societal impact;

(3) Maternal deaths are significantly underestimated and inadequately documented, preventing efforts to identify and reduce or eliminate the causes of death;

(4) No processes exist in this state for the confidential identification, investigation, or dissemination of findings regarding maternal deaths;

(5) The federal Centers for Disease Control and Prevention has determined that maternal deaths should be investigated through state based maternal mortality reviews in order to institute the systemic changes needed to decrease maternal mortality; and

(6) There is a need to establish a program to review maternal deaths and to develop strategies for the prevention of maternal deaths in Georgia.

(b) ~~The Department of Public Health~~ department shall establish a Maternal Mortality Review Committee to review maternal deaths and to develop strategies for the prevention of maternal deaths. The committee shall be multidisciplinary and composed of members with expertise in healthcare and mental health care, representatives from community advocacy organizations, and other members as deemed appropriate by the department. The length of terms of members shall be determined by the department. The department may only remove members of the committee for the same causes as provided in Code Section 43-1-17. Any vacancy occurring on the committee shall be filled as soon as practicable. The department may contract with an external organization to assist in collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and other tasks as may be incident to these activities, including providing the necessary data, information, and resources to ensure successful completion of the ongoing review required by this Code section.

(c) The committee shall:

(1) Identify maternal death cases;

(2) Review medical records and other relevant data;

(3) Contact family members and other affected or involved persons to collect additional relevant data;

(4) Consult with relevant experts to evaluate the records and data;

(5) Make determinations regarding the preventability of maternal deaths;

(6) Develop recommendations for the prevention of maternal deaths; and

(7) Disseminate findings and recommendations to policy makers, ~~health-care~~ healthcare providers, ~~health-care~~ healthcare facilities, the General Assembly, and the general public; and

(8) Comply with all applicable federal and state privacy and security laws, including the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, P.L. 104-191.

(d)(1) ~~Health-care~~ Healthcare providers licensed pursuant to Title 43, ~~health-care~~ healthcare facilities licensed pursuant to Chapter 7 of ~~Title 31~~ this title, and pharmacies licensed pursuant to Chapter 4 of Title 26 shall provide reasonable access to the committee to all relevant medical records associated with a case under review by the committee within 30 days of receiving a request for such records.

(2) A ~~health-care~~ healthcare provider, ~~health-care~~ healthcare facility, or pharmacy providing access to medical records pursuant to this Code section shall not be held liable for civil damages or be subject to any criminal or disciplinary action for good faith efforts in providing such records.

(e)(1) Information, records, reports, statements, notes, memoranda, or other data collected pursuant to this Code section shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person. Such information, records, reports, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department or any other person, except as may be necessary for the purpose of furthering the review of the committee of the case to which they relate. No

71 person participating in such review shall disclose, in any manner, the information so
72 obtained except in strict conformity with such review project.

73 (2) All information, records of interviews, written reports, statements, notes, memoranda,
74 or other data obtained by the department, the committee, and other persons, agencies, or
75 organizations so authorized by the department pursuant to this Code section shall be
76 confidential. If confidential information, records of interviews, written reports,
77 statements, notes, memoranda, or other data is disclosed by the department, the
78 committee, or other persons, agencies, or organizations authorized by the department, the
79 department shall immediately initiate an investigation of such disclosure and submit a
80 report to the General Assembly and to the Attorney General.

81 (f)(1) All proceedings and activities of the committee under this Code section, opinions
82 of members of such committee formed as a result of such proceedings and activities, and
83 records obtained, created, or maintained pursuant to this Code section, including records
84 of interviews, written reports, and statements procured by the department or any other
85 person, agency, or organization acting jointly or under contract with the department in
86 connection with the requirements of this Code section, shall be confidential and shall not
87 be subject to Chapter 14 of Title 50, relating to open meetings, or Article 4 of Chapter 18
88 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction
89 into evidence in any civil or criminal proceeding; provided, however, that nothing in this
90 Code section shall be construed to limit or restrict the right to discover or use in any civil
91 or criminal proceeding anything that is available from another source and entirely
92 independent of the committee's proceedings.

93 (2) Members of the committee shall not be questioned in any civil or criminal proceeding
94 regarding the information presented in or opinions formed as a result of a meeting or
95 communication of the committee; provided, however, that nothing in this Code section
96 shall be construed to prevent a member of the committee from testifying to information
97 obtained independently of the committee or which is public information.

98 (g) Reports of aggregated nonindividually identifiable data shall be compiled on a routine
99 basis for distribution in an effort to further study the causes and problems associated with
100 maternal deaths. A detailed annual report shall be submitted no later than October 1 to the
101 Office of Health Strategy and Coordination."

102 **SECTION 2.**

103 All laws and parts of laws in conflict with this Act are repealed.