

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and
2 line the following:

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

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

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

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

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

31 192.990. 1. There is hereby established within the department of health and senior services
32 the "Pregnancy-Associated Mortality Review Board" to improve data collection and reporting with
33 respect to maternal deaths. The department may collaborate with localities and with other states to
34 meet the goals of the initiative.

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

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

Action Taken _____ Date _____

1 (2) "Maternal death", the death of a woman while pregnant or during the one-year period
2 following the date of the end of pregnancy, regardless of the cause of death and regardless of
3 whether a delivery, miscarriage, or death occurs inside or outside of a hospital.

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

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

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

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

17 (2) Identifying factors associated with maternal deaths;

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

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

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

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

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

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

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

30 (7) Recommending and promoting preventative strategies and making recommendations for
31 systems changes;

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

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

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

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

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

42 (13) Ensuring that data collected under this section is made available, as appropriate and
43 practicable, for research purposes, in a manner that protects individually identifiable or potentially
44 identifiable information and that is consistent with state and federal privacy laws.

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

46 7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the Director
47 of the Centers for Disease Control and Prevention, the director of the department, the governor, and
48 the general assembly a report on maternal mortality in the state based on data collected through
49 ongoing comprehensive, multidisciplinary reviews of all maternal deaths, and any other projects or

1 efforts funded by the board. The data shall be collected using best practices to reliably determine
2 and include all maternal deaths, regardless of the outcome of the pregnancy and shall include data,
3 findings, and recommendations of the committee, and, as applicable, information on the
4 implementation during such year of any recommendations submitted by the board in a previous
5 year.

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

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

12 9. Upon request by the department, health care providers, health care facilities, clinics,
13 laboratories, medical examiners, coroners, law enforcement agencies, driver's license bureaus, other
14 state agencies, and facilities licensed by the department shall provide to the department data related
15 to maternal deaths from sources such as medical records, autopsy reports, medical examiner's
16 reports, coroner's reports, law enforcement reports, motor vehicle records, social services records,
17 and other sources as appropriate. Such data requests shall be limited to maternal deaths which have
18 occurred within the previous twenty-four months. No entity shall be held liable for civil damages or
19 be subject to any criminal or disciplinary action when complying in good faith with a request from
20 the department for information under the provisions of this subsection.

21 10. (1) The board shall protect the privacy and confidentiality of all patients, decedents,
22 providers, hospitals, or any other participants involved in any maternal deaths. In no case shall any
23 individually identifiable health information be provided to the public or submitted to an information
24 clearinghouse.

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

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

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

31 (3) Information, records, reports, statements, notes, memoranda, or other data collected
32 under this section shall not be admissible as evidence in any action of any kind in any court or
33 before any other tribunal, board, agency, or person. Such information, records, reports, notes,
34 memoranda, data obtained by the department or any other person, statements, notes, memoranda, or
35 other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any
36 officer or representative of the department or any other person. No person participating in such
37 review shall disclose, in any manner, the information so obtained except in strict conformity with
38 such review project. Such information shall not be subject to disclosure under chapter 610.

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

42 (5) All proceedings and activities of the board, opinions of members of such board formed
43 as a result of such proceedings and activities, and records obtained, created, or maintained under this
44 section, including records of interviews, written reports, statements, notes, memoranda, or other data
45 obtained by the department or any other person, agency, or organization acting jointly or under
46 contract with the department in connection with the requirements of this section, shall be
47 confidential and shall not be subject to subpoena, discovery, or introduction into evidence in any
48 civil or criminal proceeding; provided, however, that nothing in this section shall be construed to
49 limit or restrict the right to discover or use in any civil or criminal proceeding anything that is

1 available from another source and entirely independent of the board's proceedings.

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

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

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.