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HOUSE BILL 503

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

D. Wonda Johnson

AN ACT

RELATING TO PUBLIC HEALTH; ENACTING THE MATERNAL MORTALITY PREVENTION ACT TO ESTABLISH A MATERNAL MORTALITY REVIEW COMMITTEE TO REVIEW MATERNAL MORTALITY IN THE STATE AND MAKE RECOMMENDATIONS FOR PREVENTING FURTHER MATERNAL MORTALITY; ESTABLISHING A CRIMINAL PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Maternal Mortality Prevention Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Maternal Mortality Prevention Act:

A. "aggregate data" means health care data that exclude any individually identifiable health information but may include data that identify a health care provider;

B. "committee" means the maternal mortality review

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1 committee;

2 C. "department" means the department of health;

3 D. "health care provider" means:

4 (1) an individual licensed, certified or  
5 otherwise authorized to provide health care services in the  
6 ordinary course of business in the state; or

7 (2) a health facility that the department  
8 licenses;

9 E. "law enforcement agency" means a law enforcement  
10 agency of the state or a political subdivision of the state;

11 F. "maternal mortality" means the death of a  
12 pregnant woman or a woman within one year postpartum; and

13 G. "medical record" means the written or graphic  
14 documentation, sound recording or electronic record relating to  
15 medical, behavioral health and health care services that a  
16 patient receives from a person licensed, certified or otherwise  
17 authorized under law to provide the services, under the  
18 direction of a physician or another licensed health care  
19 provider. "Medical record" includes diagnostic documentation,  
20 including an x-ray, electrocardiogram and electroencephalogram;  
21 other test results; data entered into a prescription drug  
22 monitoring program; and an autopsy report.

23 SECTION 3. [NEW MATERIAL] MATERNAL MORTALITY COMMITTEE--  
24 CREATION--MEMBERSHIP--DUTIES.--

25 A. The "maternal mortality review committee" is

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1 created in the department. The committee shall be composed of  
2 a maximum of twenty-five members that the chief medical officer  
3 of the department shall appoint to serve three-year terms. In  
4 appointing members of the committee, the chief medical officer  
5 shall include members from geographic areas throughout the  
6 state with knowledge of maternal mortality.

7 B. The committee shall:

8 (1) review each maternal mortality in the  
9 state, including medical records and other relevant data  
10 related to each maternal mortality;

11 (2) investigate and review incidences of  
12 maternal mortality;

13 (3) outline trends and patterns relating to  
14 maternal mortality in the state;

15 (4) compile reports using aggregate data on a  
16 routine basis in an effort to further study the causes and  
17 problems associated with maternal mortality and distribute  
18 these reports to the legislature, government agencies, health  
19 care providers and others as necessary to reduce the maternal  
20 mortality rate in the state;

21 (5) serve as a link with maternal mortality  
22 review teams nationwide and participate in national maternal  
23 mortality review team activities; and

24 (6) perform any other functions as resources  
25 allow to enhance efforts to reduce and prevent maternal

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1 mortality in the state.

2 SECTION 4. [NEW MATERIAL] ACCESS TO HEALTH INFORMATION.--

3 A. Except as otherwise provided by law, the  
4 committee may access medical records and other health  
5 information relating to an incidence of maternal mortality at  
6 any time after three years from the date of the incidence. A  
7 health care provider shall provide medical records and other  
8 requested health information to the department relating to each  
9 incidence of maternal mortality for access by members of the  
10 committee. Upon the request of the department, a law  
11 enforcement agency shall provide any report relating to an  
12 incidence of maternal mortality to the committee. A health  
13 care provider or law enforcement agency that provides a medical  
14 record, health information or report pursuant to this section  
15 in good faith shall not be held criminally or civilly liable  
16 for that release of information.

17 B. The following shall be confidential and shall  
18 not be subject to the Open Meetings Act or the Inspection of  
19 Public Records Act or subject to any subpoena, discovery  
20 request or introduction into evidence in a civil or criminal  
21 proceeding unless obtained from a source separate and apart  
22 from the committee or department:

- 23 (1) any committee meeting or activity of the
- 24 committee, including any activity of an ad-hoc panel of the
- 25 committee; and

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1 (2) except as may be necessary in furtherance  
2 of the duties of the committee or in response to an alleged  
3 violation of a confidentiality agreement pursuant to Subsection  
4 C of this section, any information, record, report, notes,  
5 memorandum or other data that the department or committee  
6 obtains pursuant to the Maternal Mortality Prevention Act.

7 C. Each committee member shall sign a  
8 confidentiality agreement that indicates the member's adherence  
9 to the provisions of this section. A person that knowingly  
10 violates the confidentiality agreement is guilty of a  
11 misdemeanor and upon conviction therefor shall be imprisoned in  
12 the county jail for a definite term less than one year or to  
13 the payment of a fine of not more than one thousand dollars  
14 (\$1,000), or to both such imprisonment and fine in the  
15 discretion of the judge.