

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0143.01 Kristen Forrestal x4217

HOUSE BILL 15-1111

HOUSE SPONSORSHIP

McCann, Ginal, Primavera, Tate

SENATE SPONSORSHIP

Crowder, Newell

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A MATERNAL MORTALITY COMMITTEE**
102 **IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the Colorado maternal mortality review committee (committee) for the purpose of reviewing maternal mortality cases that occur in Colorado, identifying the causes of maternal mortality, and developing recommendations to prevent further maternal mortalities. The chief medical officer in the department of public health and environment (department) is directed to appoint up to 25 members to serve on the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
February 24, 2015

committee.

The committee is required to review maternal mortalities, outline trends and patterns, develop and disseminate recommendations for the prevention of maternal mortalities, compile reports on maternal mortalities for distribution, and serve as a link to other maternal mortality review teams.

The bill requires certain health care providers and law enforcement officials to provide health information and medical records to the department concerning each maternal mortality for access by the members of the committee. The medical records and information and activities of the committee are confidential.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 47 to title
3 25 as follows:

4 **ARTICLE 47**

5 **Maternal Mortality Prevention Act**

6 **25-47-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
7 BE CITED AS THE "MATERNAL MORTALITY PREVENTION ACT".

8 **25-47-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS AND DECLARES THAT:

10 (a) COLORADO CURRENTLY RANKS TWENTY-NINTH OUT OF FIFTY,
11 OR WORSE THAN SIXTY PERCENT OF THE STATES IN THE UNITED STATES,
12 IN TERMS OF ITS MATERNAL MORTALITY RATE;

13 (b) MATERNAL MORTALITIES ARE A SERIOUS PUBLIC HEALTH
14 CONCERN AND HAVE A TREMENDOUS FAMILY AND SOCIETAL IMPACT;

15 (c) MATERNAL MORTALITIES ARE SIGNIFICANTLY
16 UNDERESTIMATED AND INADEQUATELY DOCUMENTED, WHICH IMPEDES
17 EFFORTS TO IDENTIFY AND REDUCE OR ELIMINATE THE CAUSES OF DEATH;

18 (d) THE FEDERAL CENTERS FOR DISEASE CONTROL AND
19 PREVENTION HAS DETERMINED THAT MATERNAL MORTALITIES SHOULD BE

1 REVIEWED THROUGH STATE-BASED MATERNAL MORTALITY REVIEWS IN
2 ORDER TO INSTITUTE THE SYSTEMIC CHANGES NEEDED TO DECREASE
3 MATERNAL MORTALITY;

4 (e) THERE IS A NEED TO ESTABLISH A PROGRAM TO REVIEW
5 MATERNAL MORTALITIES AND TO DEVELOP STRATEGIES FOR THE
6 PREVENTION OF MATERNAL MORTALITIES IN COLORADO;

7 (f) THE PREVENTION OF MATERNAL MORTALITIES IS A COMMUNITY
8 RESPONSIBILITY, AND PROFESSIONALS FROM A VARIETY OF DISCIPLINES
9 HAVE EXPERTISE THAT CAN PROMOTE THE SAFETY AND WELL-BEING OF
10 PREGNANT AND POSTPARTUM WOMEN;

11 (g) THE MULTI-DISCIPLINARY REVIEWS OF THE DEATHS THAT
12 OCCUR AMONG PREGNANT AND POSTPARTUM WOMEN CAN LEAD TO A
13 GREATER UNDERSTANDING OF THE CAUSES OF AND METHODS FOR
14 PREVENTING MATERNAL MORTALITY; AND

15 (h) THE PROTECTION OF THE HEALTH AND WELFARE OF THE
16 MOTHERS IN THIS STATE IS AN IMPORTANT GOAL OF THE CITIZENS OF THIS
17 STATE, AND RATE OF DEATH AMONG PREGNANT AND POSTPARTUM WOMEN
18 IS A SERIOUS PUBLIC HEALTH CONCERN THAT REQUIRES LEGISLATIVE
19 ACTION.

20 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
21 CREATE A MATERNAL MORTALITY REVIEW COMMITTEE WITHIN THE
22 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO REVIEW
23 MATERNAL MORTALITIES AND TO DEVELOP STRATEGIES FOR THE
24 PREVENTION OF MATERNAL MORTALITIES.

25 **25-47-103. Definitions.** AS USED IN THIS ARTICLE:

26 (1) "COMMITTEE" MEANS THE COLORADO MATERNAL MORTALITY
27 REVIEW COMMITTEE CREATED IN SECTION 25-47-104.

1 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
2 AND ENVIRONMENT.

3 (3) "MATERNAL MORTALITY" MEANS A WOMAN WHO WAS
4 PREGNANT AT THE TIME OF HER DEATH OR WITHIN ONE YEAR
5 POSTPARTUM.

6 (4) (a) "MEDICAL RECORD" MEANS THE WRITTEN OR GRAPHIC
7 DOCUMENTATION, SOUND RECORDING, OR COMPUTER RECORD PERTAINING
8 TO MEDICAL, MENTAL HEALTH, AND HEALTH CARE SERVICES, INCLUDING
9 MEDICAL MARIJUANA SERVICES, PERFORMED AT THE DIRECTION OF A
10 PHYSICIAN OR OTHER LICENSED HEALTH CARE PROVIDER ON BEHALF OF A
11 PATIENT BY A PHYSICIAN, DENTIST, NURSE, DIRECT-ENTRY MIDWIFE,
12 SERVICE PROVIDER, EMERGENCY MEDICAL SERVICE PROVIDER, MENTAL
13 HEALTH PROFESSIONAL, PREHOSPITAL PROVIDER, OR OTHER HEALTH CARE
14 PERSONNEL.

15 (b) "MEDICAL RECORD" INCLUDES DIAGNOSTIC DOCUMENTATION
16 SUCH AS X RAYS, ELECTROCARDIOGRAMS, ELECTROENCEPHALOGRAMS,
17 AND OTHER TEST RESULTS AND DATA ENTERED INTO THE PRESCRIPTION
18 DRUG USE MONITORING PROGRAM UNDER SECTION 12-42.5-403, C.R.S.

19 (c) "MEDICAL RECORD" INCLUDES AUTOPSY REPORTS.

20 **25-47-104. Colorado maternal mortality review committee -**
21 **creation - members - duties.** (1) THE COLORADO MATERNAL
22 MORTALITY REVIEW COMMITTEE IS HEREBY CREATED IN THE DEPARTMENT
23 FOR THE PURPOSE OF:

24 (a) REVIEWING SPECIFIC CASES OF MATERNAL MORTALITY THAT
25 OCCUR IN COLORADO;

26 (b) IDENTIFYING THE CAUSES OF MATERNAL MORTALITY; AND

27 (c) DEVELOPING RECOMMENDATIONS TO PREVENT FURTHER

1 MATERNAL MORTALITIES, INCLUDING RECOMMENDING LEGISLATION,
2 POLICIES, AND RULES THAT WILL SUPPORT THE HEALTH AND SAFETY OF
3 PREGNANT AND POSTPARTUM WOMEN IN COLORADO AND PREVENT
4 FUTURE MATERNAL MORTALITIES.

5 (2) THE CHIEF MEDICAL OFFICER FROM THE DEPARTMENT SHALL
6 APPOINT NO MORE THAN TWENTY-FIVE MEMBERS TO SERVE ON THE
7 COMMITTEE TO SERVE FOR THREE-YEAR TERMS. THE CHIEF MEDICAL
8 OFFICER MAY FILL ANY VACANCIES ON THE COMMITTEE. IN MAKING THE
9 APPOINTMENTS, THE CHIEF MEDICAL OFFICER SHALL MAKE AN EFFORT TO
10 INCLUDE MEMBERS FROM GEOGRAPHIC AREAS THROUGHOUT THE STATE
11 AND TO APPOINT MEMBERS WITH KNOWLEDGE OF MATERNAL MORTALITY.
12 THE MEMBERS OF THE COMMITTEE WHO RESIDE MORE THAN FIFTY MILES
13 FROM THE LOCATION OF THE COMMITTEE HEARING SHALL RECEIVE THE
14 SAME PER DIEM COMPENSATION AND REIMBURSEMENT OF EXPENSES AS
15 THOSE PROVIDED FOR MEMBERS OF BOARDS AND COMMISSIONS PURSUANT
16 TO SECTION 24-34-102 (13), C.R.S., AND FOR EXPENSES INCURRED IN
17 TRAVELING TO AND FROM THE MEETINGS OF THE COMMITTEE. THE
18 COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO FURTHER INVESTIGATE
19 CASES OF MATERNAL MORTALITY RESULTING FROM SPECIFIC CAUSES
20 WHEN THE NEED ARISES.

21 (3) THE COMMITTEE SHALL:

22 (a) REVIEW EACH DEATH IN COLORADO THAT IS A MATERNAL
23 MORTALITY;

24 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA
25 RELATED TO EACH MATERNAL MORTALITY;

26 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
27 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF MATERNAL

1 MORTALITIES;

2 (d) OUTLINE TRENDS AND PATTERNS CONCERNING MATERNAL
3 MORTALITIES IN COLORADO;

4 (e) DEVELOP AND DISSEMINATE RECOMMENDATIONS FOR THE
5 PREVENTION OF MATERNAL MORTALITIES TO POLICY MAKERS, HEALTH
6 CARE PROVIDERS, HEALTH CARE FACILITIES, AND THE GENERAL PUBLIC;

7 (f) COMPILE REPORTS OF AGGREGATED, NON-INDIVIDUALLY
8 IDENTIFIABLE DATA ON A ROUTINE BASIS FOR DISTRIBUTION IN AN EFFORT
9 TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH
10 MATERNAL MORTALITIES THAT MAY BE DISTRIBUTED TO THE GENERAL
11 ASSEMBLY, HEALTH CARE PROVIDERS AND FACILITIES, KEY GOVERNMENT
12 AGENCIES, AND OTHERS NECESSARY TO REDUCE THE MATERNAL
13 MORTALITY RATE;

14 (g) SERVE AS A LINK WITH MATERNAL MORTALITY REVIEW TEAMS
15 THROUGHOUT THE COUNTRY AND PARTICIPATE IN NATIONAL MATERNAL
16 MORTALITY REVIEW TEAM ACTIVITIES; AND

17 (h) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO
18 ENHANCE THE CAPABILITY OF THE STATE OF COLORADO TO REDUCE AND
19 PREVENT MATERNAL MORTALITIES.

20 **25-47-105. Access to health records related to maternal**
21 **mortalities.** (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
22 COMMITTEE MAY ACCESS HEALTH INFORMATION AND MEDICAL RECORDS
23 RELATED TO MATERNAL MORTALITIES AT ANY TIME AFTER THREE YEARS
24 FROM THE DATE THE MATERNAL MORTALITY OCCURRED. A HEALTH CARE
25 PROVIDER LICENSED OR REGISTERED OR A PHARMACIST LICENSED
26 PURSUANT TO TITLE 12, C.R.S., AND A HOSPITAL OR HEALTH FACILITY
27 LICENSED PURSUANT TO ARTICLE 3 OF THIS TITLE SHALL PROVIDE HEALTH

1 INFORMATION AND MEDICAL RECORDS TO THE DEPARTMENT CONCERNING
2 EACH MATERNAL MORTALITY FOR ACCESS BY THE MEMBERS OF THE
3 COMMITTEE. A LAW ENFORCEMENT OFFICER SHALL PROVIDE A POLICE
4 REPORT THAT INVOLVES A MATERNAL MORTALITY TO THE COMMITTEE
5 UPON REQUEST OF THE DEPARTMENT. A HEALTH CARE PROVIDER,
6 PHARMACIST, HOSPITAL, HEALTH FACILITY, LAW ENFORCEMENT OFFICER,
7 OR CORONER IS NOT CIVILLY OR CRIMINALLY LIABLE FOR THE RELEASE OF
8 HEALTH INFORMATION OR MEDICAL RECORDS WHEN MAKING A
9 GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (1).

10 (2) (a) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS
11 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-47-104 (2),
12 CONCERNING DETAILS OF A MATERNAL MORTALITY THAT WOULD IDENTIFY
13 AN INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO
14 SECTION 24-6-402, C.R.S., UNLESS THE IDENTITY OF AN INDIVIDUAL IS
15 NOT DISCUSSED.

16 (b) THE COMMITTEE MEETING NOTES AND STATEMENTS, HEALTH
17 INFORMATION, MEDICAL RECORDS, REPORTS, AND MEMORANDA OBTAINED
18 BY THE COMMITTEE THAT CONTAIN INFORMATION THAT WOULD IDENTIFY
19 AN INDIVIDUAL INVOLVED IN A MATERNAL MORTALITY ARE CONFIDENTIAL
20 AND SHALL NOT BE SUBJECT TO THE "COLORADO OPEN RECORDS ACT",
21 PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

22 (c) INFORMATION, RECORDS, REPORTS, COMMUNICATIONS, NOTES,
23 AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT TO PARAGRAPHS
24 (a) AND (b) OF THIS SUBSECTION (2) ARE NOT SUBJECT TO SUBPOENA,
25 DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL
26 PROCEEDING, UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS
27 SEPARATE AND APART FROM THE COMMITTEE. NOTHING IN THIS SECTION

1 IS CONSTRUED TO LIMIT OR RESTRICT THE RIGHT TO DISCOVER OR USE IN
2 A CIVIL OR CRIMINAL PROCEEDING INFORMATION, RECORDS, REPORTS,
3 COMMUNICATIONS, NOTES, OR MEMORANDA THAT ARE AVAILABLE FROM
4 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT
5 ARISE ENTIRELY INDEPENDENTLY OF THE COMMITTEE'S ACTIVITIES.

6 (d) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY
7 AGREEMENT THAT INDICATES HIS OR HER ADHERENCE TO PARAGRAPH (a)
8 OF THIS SUBSECTION (2). A PERSON WHO KNOWINGLY VIOLATES THE
9 CONFIDENTIALITY AGREEMENT COMMITS A CLASS 3 MISDEMEANOR AND
10 SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 18-1.3-501, C.R.S.

11 (e) INFORMATION, RECORDS, REPORTS, NOTES, OR MEMORANDA
12 THAT ARE CONFIDENTIAL PURSUANT TO PARAGRAPHS (a) AND (b) OF THIS
13 SUBSECTION (2) ARE NOT ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY
14 COURT OR BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND
15 SHALL NOT BE EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON
16 UNLESS THE INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT
17 IS SEPARATE AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE
18 NECESSARY FOR FURTHERING THE DUTIES OF THE COMMITTEE OR IN
19 RESPONSE TO AN ALLEGED VIOLATION OF A CONFIDENTIALITY AGREEMENT
20 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2).

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly
24 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,
25 if a referendum petition is filed pursuant to section 1 (3) of article V of
26 the state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.