

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

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

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.

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 THE DEATH OF A PREGNANT
4 WOMAN OR OF A WOMAN WITHIN ONE YEAR POSTPARTUM.

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

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

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

19 **25-47-104. Colorado maternal mortality review committee -**
20 **creation - members - duties.** (1) THE COLORADO MATERNAL MORTALITY
21 REVIEW COMMITTEE IS HEREBY CREATED IN THE DEPARTMENT FOR THE
22 PURPOSE OF:

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

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

26 (c) DEVELOPING RECOMMENDATIONS TO PREVENT FURTHER
27 MATERNAL MORTALITIES, INCLUDING RECOMMENDING LEGISLATION,

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

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

18 (3) THE COMMITTEE SHALL:

19 (a) REVIEW EACH DEATH IN COLORADO THAT IS A MATERNAL
20 MORTALITY;

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

23 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
24 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF MATERNAL
25 MORTALITIES;

26 (d) OUTLINE TRENDS AND PATTERNS CONCERNING MATERNAL
27 MORTALITIES IN COLORADO;

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

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

11 (g) SERVE AS A LINK WITH MATERNAL MORTALITY REVIEW TEAMS
12 THROUGHOUT THE COUNTRY AND PARTICIPATE IN NATIONAL MATERNAL
13 MORTALITY REVIEW TEAM ACTIVITIES; AND

14 (h) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO
15 ENHANCE THE CAPABILITY OF THE STATE OF COLORADO TO REDUCE AND
16 PREVENT MATERNAL MORTALITIES.

17 **25-47-105. Access to health records related to maternal**
18 **mortalities.** (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
19 COMMITTEE MAY ACCESS HEALTH INFORMATION AND MEDICAL RECORDS
20 RELATED TO MATERNAL MORTALITIES AT ANY TIME AFTER THREE YEARS
21 FROM THE DATE THE MATERNAL MORTALITY OCCURRED. A HEALTH CARE
22 PROVIDER LICENSED OR REGISTERED OR A PHARMACIST LICENSED
23 PURSUANT TO TITLE 12, C.R.S., AND A HOSPITAL OR HEALTH FACILITY
24 LICENSED PURSUANT TO ARTICLE 3 OF THIS TITLE SHALL PROVIDE HEALTH
25 INFORMATION AND MEDICAL RECORDS TO THE DEPARTMENT CONCERNING
26 EACH MATERNAL MORTALITY FOR ACCESS BY THE MEMBERS OF THE
27 COMMITTEE. A LAW ENFORCEMENT OFFICER SHALL PROVIDE A POLICE

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

7 (2) (a) ALL COMMITTEE MEETINGS; ACTIVITIES OF THE COMMITTEE,
8 INCLUDING ACTIVITIES OF ANY AD HOC PANEL FORMED PURSUANT TO
9 SECTION 25-47-104 (2); COMMITTEE MEETING NOTES AND STATEMENTS;
10 HEALTH INFORMATION AND MEDICAL RECORDS OBTAINED BY THE
11 COMMITTEE; AND ANY INFORMATION OBTAINED BY THE DEPARTMENT IN
12 CONNECTION WITH THE COMMITTEE ARE CONFIDENTIAL AND NEITHER
13 SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE
14 LAW CONTAINED IN SECTION 24-6-402, C.R.S., AND THE "COLORADO OPEN
15 RECORDS ACT", ARTICLE 72 OF TITLE 24, C.R.S., NOR SUBJECT TO
16 SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL
17 OR CRIMINAL PROCEEDING, UNLESS THE INFORMATION WAS OBTAINED
18 FROM ANOTHER SOURCE THAT IS SEPARATE AND APART FROM THE
19 COMMITTEE.

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

25 (c) INFORMATION, RECORDS, REPORTS, NOTES, MEMORANDA, OR
26 OTHER DATA COLLECTED PURSUANT TO THIS ARTICLE ARE NOT ADMISSIBLE
27 AS EVIDENCE IN ANY ACTION IN ANY COURT OR BEFORE ANY TRIBUNAL,

1 BOARD, AGENCY, OR PERSON AND SHALL NOT BE EXHIBITED OR DISCLOSED
2 IN ANY WAY BY ANY PERSON UNLESS THE INFORMATION WAS OBTAINED
3 FROM ANOTHER SOURCE THAT IS SEPARATE AND APART FROM THE
4 COMMITTEE, EXCEPT AS MAY BE NECESSARY FOR FURTHERING THE DUTIES
5 OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED VIOLATION OF A
6 CONFIDENTIALITY AGREEMENT PURSUANT TO PARAGRAPH (b) OF THIS
7 SUBSECTION (2).

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2016 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.