

HOUSE BILL No. 2573

By Committee on Health and Human Services

1-30

1 AN ACT concerning health and healthcare; relating to maternal deaths;
2 study and investigation by the secretary of health and environment;
3 access to records; confidentiality; amending K.S.A. 2017 Supp. 65-177
4 and repealing the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2017 Supp. 65-177 is hereby amended to read as
8 follows: 65-177. (a) ~~The term~~ (1) "Data," as used in K.S.A. 65-177
9 through 65-179, and amendments thereto, ~~shall be construed to include~~
10 includes all facts, information, records of interviews, written reports,
11 statements, notes, or memoranda secured in connection with an authorized
12 medical research study.

13 (2) "Maternal death" means the death of any woman from any cause
14 while pregnant or within one calendar year of the end of any pregnancy,
15 regardless of the duration of the pregnancy or the site of the end of the
16 pregnancy.

17 (b) (1) The secretary of health and environment shall have access to
18 all law enforcement investigative information regarding a maternal death
19 in Kansas, any autopsy records and coroner's investigative records
20 relating to the death, any medical records of the mother and any records of
21 the Kansas department for children and families or any other state social
22 service agency that has provided services to the mother.

23 (2) (A) The secretary may apply to the district court for the issuance
24 of, and the district court may issue, a subpoena to compel the production
25 of any books, records or papers relevant to the cause of any maternal
26 death being investigated by the secretary. Any books, records or papers
27 received by the secretary pursuant to the subpoena shall be confidential
28 and privileged information and not subject to disclosure.

29 (B) The provisions of this paragraph providing for confidentiality of
30 records shall expire on July 1, 2023, unless the legislature acts to reenact
31 such provisions. The legislature shall review the provisions of this
32 paragraph pursuant to K.S.A. 45-229, and amendments thereto, prior to
33 July 1, 2023.

34 (c) The secretary of health and environment shall:

35 (1) Identify maternal death cases;

36 (2) review medical records and other relevant data;

Lines 23 through 28 are identical to the child death review board statute, 22a-244

1 proceedings and activities and records obtained, created or maintained
2 pursuant to this section, including records of interviews, written reports
3 and statements procured by the secretary or any other person, agency or
4 organization acting jointly or under contract with the department of health
5 and environment in connection with the requirements of this section, shall
6 be confidential and not subject to the provisions of the open records act or
7 the open meetings act or subject to subpoena, discovery or introduction
8 into evidence in any civil or criminal proceeding. Nothing in this section
9 shall be construed to limit or otherwise restrict the right to discover or use
10 in any civil or criminal proceeding any document or record that is
11 available ~~from another source~~ and entirely independent of proceedings
12 and activities of the secretary or representatives of the secretary under this
13 section.

14 (2) The secretary or representatives of the secretary shall not be
15 questioned in any civil or criminal proceeding regarding the information
16 presented in or opinions formed as a result of an investigation. Nothing in
17 this section shall be construed to prevent the secretary or representatives
18 of the secretary from testifying to information obtained independently of
19 this section or that is public information.

20 (3) The provisions of this subsection providing for confidentiality of
21 records shall expire on July 1, 2023, unless the legislature acts to reenact
22 such provisions. The legislature shall review the provisions of this
23 subsection pursuant to K.S.A. 45-229, and amendments thereto, prior to
24 July 1, 2023.

25 (g) Reports of aggregate non-individually identifiable data shall be
26 compiled on a routine basis for distribution in an effort to further study the
27 causes and problems associated with maternal deaths. Reports shall be
28 distributed to healthcare providers and medical care facilities and other
29 persons necessary to reduce the maternal death rate.

30 (h) The secretary of health and environment shall receive data
31 secured in connection with medical research studies conducted for the
32 purpose of reducing morbidity or mortality from maternal, perinatal and
33 anesthetic causes. Such studies may be conducted by the secretary of
34 health and environment and staff or with other qualified persons, agencies
35 or organizations. If such studies are conducted with any funding not
36 provided by the state of Kansas, then the source of such funding shall be
37 clearly identified in such study. Where authorization to conduct such a
38 study is granted by the secretary of health and environment, all data
39 voluntarily made available to the secretary of health and environment in
40 connection with such study shall be treated as confidential and shall be
41 used solely for purposes of medical research. Research files and opinions
42 expressed upon the evidence found in such research shall not be
43 admissible as evidence in any action in any court or before any other