

Maternal Mortality Legislation – HB 2573

Position: Proponent

March 6, 2018

Senate Public Health and Welfare – 118-N

There is currently no review of maternal mortality cases in Kansas. The legal protections provided for in the HB2573 are important in order to remove legal barriers so that the medical community will be free to participate in the MMR process without fear of legal action. The bill also gives proper authority and protection for the collection of medical files, information, and records related to maternal deaths.

Ultimately the authority for MMR in KS will rest with the Secretary of KDHE – this legislation outlines the legal protections that need to be in place (for the secretary or representatives on the MMR panel) to allow for a comprehensive look at maternal mortality. The regulations to allow for the reviews already exist in KDHE statute but the committee is not meeting as the regulations are not up to date and lack protections.

The bill will accomplish many things, but of particular interest are the following:

- The bill gives the KDHE secretary access to records and other investigative information and records related to maternal death
- The bill provides for the confidentiality of records related to maternal death which are obtained for review
- The Bill states that the Secretary shall identify cases of maternal death, collect data through interviews with family members of decedent or others, make determinations regarding preventability, develop recommendations and strategies to prevent maternal death
- **The Bill makes it clear that medical facilities providing access to records shall not be held liable for civil damages or subject to criminal or disciplinary action for good faith efforts to provide access to records**
- **The Bill specifies that any and all information received in the maternal mortality review process is confidential and privileged and shall not be admissible in any action by a court, board, agency or person**
- **The bill specifies that the material under review and those reviewing it shall not be subject to subpoena, discovery or introduction into evidence in any legal proceeding**
- The Bill requires the Secretary to publish periodically results recommendations and findings in a de-identified manner to healthcare facilities and medical care providers

I appreciate the Committee's willingness to hear the testimony regarding this very important bill for the women of Kansas and their families. Please do not hesitate to contact me if there is any way I can be of assistance.