

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H2/18/19 H2/20/19 S4/4/19*
92nd General Assembly **A Bill**
Regular Session, 2019

HOUSE BILL 1441

By: Representatives Bentley, D. Ferguson, Barker, Brown, Burch, Capp, Cavanaugh, Clowney, Crawford, Dalby, C. Fite, V. Flowers, D. Garner, Godfrey, M. Gray, Lundstrum, McCullough, Petty, Rushing, Scott, Speaks, Vaught, Della Rosa, *Eaves*

By: Senators Irvin, Bledsoe, J. English, Elliott, L. Chesterfield

For An Act To Be Entitled

AN ACT TO IMPROVE MATERNAL AND PERINATAL OUTCOMES BY
CREATING THE MATERNAL AND PERINATAL OUTCOMES QUALITY
REVIEW COMMITTEE; AND FOR OTHER PURPOSES.

Subtitle

TO IMPROVE MATERNAL AND PERINATAL
OUTCOMES BY CREATING THE MATERNAL AND
PERINATAL OUTCOMES QUALITY REVIEW
COMMITTEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) In 2018, Arkansas's infant mortality rate was seven and eight-tenths (7.8) per one thousand (1,000) live births compared to five and nine-tenths (5.9) per one thousand (1,000) live births nationally;

(2) Arkansas ranks forty-sixth in the nation for infant mortality per America's Health Rankings;

(3)(A) In 2018, almost eleven percent (11%) of babies born in Arkansas were preterm.

(B) Of those babies born preterm, eight and eight-tenths percent (8.8%) had low birth weights; and

(4) The quality for maternal and perinatal outcomes could be



improved drastically in this state.

(b) It is the intent of the General Assembly to establish a maternal and perinatal outcomes quality review committee in the State of Arkansas and to improve the maternal and perinatal outcomes in the state.

SECTION 2. Arkansas Code Title 20, Chapter 15, is amended to add an additional subchapter to read as follows:

Subchapter 23 – Maternal and Perinatal Outcomes Quality Review Committee

20-15-2301. Maternal and Perinatal Outcomes Quality Review Committee.

(a)(1) The Department of Health shall establish the *Maternal and Perinatal Outcomes Quality Review Committee* to review data on births and to develop strategies for improving birth outcomes.

(2) The committee shall be multidisciplinary and composed of members as deemed appropriate by the department.

(b) The department may contract with an external organization to assist in collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and other tasks as may be incident to these activities, including providing the necessary data, information, and resources to ensure successful completion of the ongoing review required by this section.

20-15-2302. Powers and duties.

The Maternal and Perinatal Outcomes Quality Review Committee shall:

(1) Create a unified message and strategy that builds on best practices;

(2) Develop clear measurements to evaluate targeted outreach, progress, and return on investment;

(3) Develop recommendations for levels of care by establishing systems designating where infants are born or transferred according to the level of care they need at birth;

(4) Create a system of continuous quality improvement that will include the ability of designated and nondesignated hospitals to compare performance to peer facilities;

(5) Create a collaborative framework, in addition to quality improvement for birthing hospitals that will allow for better outcomes,

better overall long-term care and decrease cost of care; and

(6) Disseminate findings and recommendations to policy makers, healthcare providers, healthcare facilities, and the general public.

20-15-2303. Access to records.

(a) Healthcare providers, healthcare facilities, and pharmacies shall provide reasonable access to the Maternal and Perinatal Outcomes Quality Review Committee to all relevant medical records associated with a case under review by the committee.

(b) A healthcare provider, healthcare facility, or pharmacy providing access to medical records as described by subdivision (a) of this section is not liable for civil damages or subject to any criminal or disciplinary action for good faith efforts in providing such records.

20-15-2304. Confidentiality.

(a)(1) Information, records, reports, statements, notes, memoranda, or other data collected under this subchapter are not admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person.

(2) Information, records, reports, statements, notes, memoranda, or other data collected under this subchapter shall not be exhibited or disclosed in any way, in whole or in part, by any officer or representative of the Department of Health or any other person, except as necessary for the purpose of furthering the review of the Maternal and Perinatal Outcomes Quality Review Committee of the case to which they relate.

(3) A person participating in a review shall not disclose, in any manner, the information so obtained except in strict conformity with such review project.

(b) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the committee, and other persons, agencies, or organizations so authorized by the department under this subchapter are confidential.

(c)(1) All proceedings and activities of the committee under this subchapter, opinions of members of the committee formed as a result of such proceedings and activities, and records obtained, created, or maintained pursuant to this subchapter, including records of interviews, written

reports, and statements procured by the department or any other person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this subchapter, are confidential and are not subject to the Freedom of Information Act of 1967, §§ 25-19-101 et seq., relating to open meetings, subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding.

(2) However, this subchapter does not limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the committee's proceedings.

(d)(1) Members of the committee shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the committee.

(2) This subchapter does not prevent a member of the committee from testifying to information obtained independently of the committee or which is public information.

20-15-2305. Disclosure.

Disclosure of protected health information is allowed for public health, safety, and law enforcement purposes, and providing case information on maternal deaths for review by the Maternal and Perinatal Outcomes Quality Review Committee is not a violation of the Health Insurance Portability and Accountability Act of 1996.

20-15-2306. Immunity from liability.

State, local, or regional committee members are immune from civil and criminal liability in connection with their good-faith participation in the maternal death review and all activities related to a review with the Maternal and Perinatal Outcomes Quality Review Committee.

20-15-2307. Reporting.

(a) Beginning in 2020, the Maternal and Perinatal Outcomes Quality Review Committee shall file a written report on the maternal and perinatal outcomes and its recommendations on or before December 31 of each year to:

- (1) The Senate Committee on Public Health, Welfare, and Labor;
- (2) The House Committee on Public Health, Welfare, and Labor;

and

(3) The Legislative Council.

(b) The report shall include:

(1) The findings and recommendations of the committee; and

(2) An analysis of factual information obtained from the review of the birth outcome data and local or regional review panels that do not violate the confidentiality provisions under this subchapter.

(c) The report shall include only aggregate data and shall not identify a particular facility or provider.

/s/Bentley