

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6534

64th Legislature
2016 Regular Session

Passed by the Senate March 8, 2016
Yeas 47 Nays 0

President of the Senate

Passed by the House March 3, 2016
Yeas 95 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6534** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6534

AS AMENDED BY THE HOUSE

Passed Legislature - 2016 Regular Session

State of Washington **64th Legislature** **2016 Regular Session**

By Senate Ways & Means (originally sponsored by Senators O'Ban and
Becker)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to establishing a maternal mortality review
2 panel; amending RCW 42.56.360; adding a new section to chapter 70.54
3 RCW; creating a new section; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54
6 RCW to read as follows:

7 (1) For the purposes of this section, "maternal mortality" or
8 "maternal death" means a death of a woman while pregnant or within
9 one year of delivering or following the end of a pregnancy, whether
10 or not the woman's death is related to or aggravated by the
11 pregnancy.

12 (2) A maternal mortality review panel is established to conduct
13 comprehensive, multidisciplinary reviews of maternal deaths in
14 Washington to identify factors associated with the deaths and make
15 recommendations for system changes to improve health care services
16 for women in this state. The members of the panel must be appointed
17 by the secretary of the department of health, must serve without
18 compensation, and may include:

- 19 (a) An obstetrician;
20 (b) A physician specializing in maternal fetal medicine;
21 (c) A neonatologist;

1 (d) A midwife with licensure in the state of Washington;

2 (e) A representative from the department of health who works in
3 the field of maternal and child health;

4 (f) A department of health epidemiologist with experience
5 analyzing perinatal data;

6 (g) A pathologist; and

7 (h) A representative of the community mental health centers.

8 (3) The maternal mortality review panel must conduct
9 comprehensive, multidisciplinary reviews of maternal mortality in
10 Washington. The panel may not call witnesses or take testimony from
11 any individual involved in the investigation of a maternal death or
12 enforce any public health standard or criminal law or otherwise
13 participate in any legal proceeding relating to a maternal death.

14 (4)(a) Information, documents, proceedings, records, and opinions
15 created, collected, or maintained by the maternity mortality review
16 panel or the department of health in support of the maternal
17 mortality review panel are confidential and are not subject to public
18 inspection or copying under chapter 42.56 RCW and are not subject to
19 discovery or introduction into evidence in any civil or criminal
20 action.

21 (b) Any person who was in attendance at a meeting of the maternal
22 mortality review panel or who participated in the creation,
23 collection, or maintenance of the panel's information, documents,
24 proceedings, records, or opinions may not be permitted or required to
25 testify in any civil or criminal action as to the content of such
26 proceedings, or the panel's information, documents, records, or
27 opinions. This subsection does not prevent a member of the panel from
28 testifying in a civil or criminal action concerning facts which form
29 the basis for the panel's proceedings of which the panel member had
30 personal knowledge acquired independently of the panel or which is
31 public information.

32 (c) Any person who, in substantial good faith, participates as a
33 member of the maternal mortality review panel or provides information
34 to further the purposes of the maternal mortality review panel may
35 not be subject to an action for civil damages or other relief as a
36 result of the activity or its consequences.

37 (d) All meetings, proceedings, and deliberations of the maternal
38 mortality review panel may, at the discretion of the maternal
39 mortality review panel, be confidential and may be conducted in
40 executive session.

1 (e) The maternal mortality review panel and the secretary of the
2 department of health may retain identifiable information regarding
3 facilities where maternal deaths, or from which the patient was
4 transferred, occur and geographic information on each case solely for
5 the purposes of trending and analysis over time. All individually
6 identifiable information must be removed before any case review by
7 the panel.

8 (5) The department of health shall review department available
9 data to identify maternal deaths. To aid in determining whether a
10 maternal death was related to or aggravated by the pregnancy, and
11 whether it was preventable, the department of health has the
12 authority to:

13 (a) Request and receive data for specific maternal deaths
14 including, but not limited to, all medical records, autopsy reports,
15 medical examiner reports, coroner reports, and social service
16 records; and

17 (b) Request and receive data as described in (a) of this
18 subsection from health care providers, health care facilities,
19 clinics, laboratories, medical examiners, coroners, professions and
20 facilities licensed by the department of health, local health
21 jurisdictions, the health care authority and its licensees and
22 providers, and the department of social and health services and its
23 licensees and providers.

24 (6) Upon request by the department of health, health care
25 providers, health care facilities, clinics, laboratories, medical
26 examiners, coroners, professions and facilities licensed by the
27 department of health, local health jurisdictions, the health care
28 authority and its licensees and providers, and the department of
29 social and health services and its licensees and providers must
30 provide all medical records, autopsy reports, medical examiner
31 reports, coroner reports, social services records, information and
32 records related to sexually transmitted diseases, and other data
33 requested for specific maternal deaths as provided for in subsection
34 (5) of this section to the department.

35 (7) By July 1, 2017, and biennially thereafter, the maternal
36 mortality review panel must submit a report to the secretary of the
37 department of health and the health care committees of the senate and
38 house of representatives. The report must protect the confidentiality
39 of all decedents and other participants involved in any incident. The
40 report must be distributed to relevant stakeholder groups for

1 performance improvement. Interim results may be shared at the
2 Washington state hospital association coordinated quality improvement
3 program. The report must include the following:

4 (a) A description of the maternal deaths reviewed by the panel
5 during the preceding twenty-four months, including statistics and
6 causes of maternal deaths presented in the aggregate, but the report
7 must not disclose any identifying information of patients, decedents,
8 providers, and organizations involved; and

9 (b) Evidence-based system changes and possible legislation to
10 improve maternal outcomes and reduce preventable maternal deaths in
11 Washington.

12 **Sec. 2.** RCW 42.56.360 and 2014 c 223 s 17 are each amended to
13 read as follows:

14 (1) The following health care information is exempt from
15 disclosure under this chapter:

16 (a) Information obtained by the pharmacy quality assurance
17 commission as provided in RCW 69.45.090;

18 (b) Information obtained by the pharmacy quality assurance
19 commission or the department of health and its representatives as
20 provided in RCW 69.41.044, 69.41.280, and 18.64.420;

21 (c) Information and documents created specifically for, and
22 collected and maintained by a quality improvement committee under RCW
23 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
24 under RCW 4.24.250, or by a quality assurance committee pursuant to
25 RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW
26 43.70.056, for reporting of health care-associated infections under
27 RCW 43.70.056, a notification of an incident under RCW 70.56.040(5),
28 and reports regarding adverse events under RCW 70.56.020(2)(b),
29 regardless of which agency is in possession of the information and
30 documents;

31 (d)(i) Proprietary financial and commercial information that the
32 submitting entity, with review by the department of health,
33 specifically identifies at the time it is submitted and that is
34 provided to or obtained by the department of health in connection
35 with an application for, or the supervision of, an antitrust
36 exemption sought by the submitting entity under RCW 43.72.310;

37 (ii) If a request for such information is received, the
38 submitting entity must be notified of the request. Within ten
39 business days of receipt of the notice, the submitting entity shall

1 provide a written statement of the continuing need for
2 confidentiality, which shall be provided to the requester. Upon
3 receipt of such notice, the department of health shall continue to
4 treat information designated under this subsection (1)(d) as exempt
5 from disclosure;

6 (iii) If the requester initiates an action to compel disclosure
7 under this chapter, the submitting entity must be joined as a party
8 to demonstrate the continuing need for confidentiality;

9 (e) Records of the entity obtained in an action under RCW
10 18.71.300 through 18.71.340;

11 (f) Complaints filed under chapter 18.130 RCW after July 27,
12 1997, to the extent provided in RCW 18.130.095(1);

13 (g) Information obtained by the department of health under
14 chapter 70.225 RCW;

15 (h) Information collected by the department of health under
16 chapter 70.245 RCW except as provided in RCW 70.245.150;

17 (i) Cardiac and stroke system performance data submitted to
18 national, state, or local data collection systems under RCW
19 70.168.150(2)(b);

20 (j) All documents, including completed forms, received pursuant
21 to a wellness program under RCW 41.04.362, but not statistical
22 reports that do not identify an individual; and

23 (k) Data and information exempt from disclosure under RCW
24 43.371.040.

25 (2) Chapter 70.02 RCW applies to public inspection and copying of
26 health care information of patients.

27 (3)(a) Documents related to infant mortality reviews conducted
28 pursuant to RCW 70.05.170 are exempt from disclosure as provided for
29 in RCW 70.05.170(3).

30 (b)(i) If an agency provides copies of public records to another
31 agency that are exempt from public disclosure under this subsection
32 (3), those records remain exempt to the same extent the records were
33 exempt in the possession of the originating entity.

34 (ii) For notice purposes only, agencies providing exempt records
35 under this subsection (3) to other agencies may mark any exempt
36 records as "exempt" so that the receiving agency is aware of the
37 exemption, however whether or not a record is marked exempt does not
38 affect whether the record is actually exempt from disclosure.

1 (4) Information and documents related to maternal mortality
2 reviews conducted pursuant to section 1 of this act are confidential
3 and exempt from public inspection and copying.

4 NEW SECTION. **Sec. 3.** If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2016, in the omnibus appropriations act, this
7 act is null and void.

8 NEW SECTION. **Sec. 4.** This act expires June 30, 2020.

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