

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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.*

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 A WOMAN WHO WAS
4 PREGNANT AT THE TIME OF HER DEATH OR 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, DIRECT-ENTRY MIDWIFE,
11 SERVICE PROVIDER, EMERGENCY MEDICAL SERVICE PROVIDER, MENTAL
12 HEALTH 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 WHO RESIDE MORE THAN FIFTY MILES
12 FROM THE LOCATION OF THE COMMITTEE HEARING SHALL RECEIVE THE
13 SAME PER DIEM COMPENSATION AND REIMBURSEMENT OF EXPENSES AS
14 THOSE PROVIDED FOR MEMBERS OF BOARDS AND COMMISSIONS PURSUANT
15 TO SECTION 24-34-102 (13), C.R.S., AND FOR EXPENSES INCURRED IN
16 TRAVELING TO AND FROM THE MEETINGS OF THE COMMITTEE. THE
17 COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO FURTHER INVESTIGATE
18 CASES OF MATERNAL MORTALITY RESULTING FROM SPECIFIC CAUSES WHEN
19 THE NEED ARISES.

20 (3) THE COMMITTEE SHALL:

21 (a) REVIEW EACH DEATH IN COLORADO THAT IS A MATERNAL
22 MORTALITY;

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

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

1 (d) OUTLINE TRENDS AND PATTERNS CONCERNING MATERNAL
2 MORTALITIES IN COLORADO;

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

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

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

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

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

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

9 (2) (a) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS
10 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-47-104 (2),
11 CONCERNING DETAILS OF A MATERNAL MORTALITY THAT WOULD IDENTIFY
12 AN INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO
13 SECTION 24-6-402, C.R.S., UNLESS THE IDENTITY OF AN INDIVIDUAL IS NOT
14 DISCUSSED.

15 (b) THE COMMITTEE MEETING NOTES AND STATEMENTS, HEALTH
16 INFORMATION, MEDICAL RECORDS, REPORTS, AND MEMORANDA OBTAINED
17 BY THE COMMITTEE THAT CONTAIN INFORMATION THAT WOULD IDENTIFY
18 AN INDIVIDUAL INVOLVED IN A MATERNAL MORTALITY ARE CONFIDENTIAL
19 AND SHALL NOT BE SUBJECT TO THE "COLORADO OPEN RECORDS ACT",
20 PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

21 (c) INFORMATION, RECORDS, REPORTS, COMMUNICATIONS, NOTES,
22 AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT TO PARAGRAPHS
23 (a) AND (b) OF THIS SUBSECTION (2) ARE NOT SUBJECT TO SUBPOENA,
24 DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL
25 PROCEEDING, UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS
26 SEPARATE AND APART FROM THE COMMITTEE. NOTHING IN THIS SECTION
27 IS CONSTRUED TO LIMIT OR RESTRICT THE RIGHT TO DISCOVER OR USE IN

1 A CIVIL OR CRIMINAL PROCEEDING INFORMATION, RECORDS, REPORTS,
2 COMMUNICATIONS, NOTES, OR MEMORANDA THAT ARE AVAILABLE FROM
3 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT
4 ARISE ENTIRELY INDEPENDENTLY OF THE COMMITTEE'S ACTIVITIES.

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

10 (e) INFORMATION, RECORDS, REPORTS, NOTES, OR MEMORANDA
11 THAT ARE CONFIDENTIAL PURSUANT TO PARAGRAPHS (a) AND (b) OF THIS
12 SUBSECTION (2) ARE NOT ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY
13 COURT OR BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND
14 SHALL NOT BE EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON
15 UNLESS THE INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT
16 IS SEPARATE AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE
17 NECESSARY FOR FURTHERING THE DUTIES OF THE COMMITTEE OR IN
18 RESPONSE TO AN ALLEGED VIOLATION OF A CONFIDENTIALITY AGREEMENT
19 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2).

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.