

# MAINE STATE LEGISLATURE

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**A.08**

L.D. 1420

DATE: Dec 30, 2005

(Filing No. H-728)

**HEALTH AND HUMAN SERVICES**

*Majority*

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 984, L.D. 1420, Bill, "An Act To Establish a Maternal and Infant Death Review Panel"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §261 is enacted to read:

**§261. Maternal and infant death review panel**

The department shall establish the maternal and infant death review panel in accordance with this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Center" means the Maine Center for Disease Control and Prevention.

B. "Deceased person" means a woman who died during pregnancy or within 42 days of giving birth or a child who died within 1 year of birth.

C. "Director" means the director of the center.

D. "Panel" means the maternal and infant death review panel established under this section.

**COMMITTEE AMENDMENT**

2           E. "Panel coordinator" means an employee of the center who  
4           is appointed by the director or a person designated by the  
6           panel coordinator. The panel coordinator must be a licensed  
          physician or registered nurse or other health care  
          professional licensed or registered in this State.

8           2. Membership. The panel consists of health care and  
10          social service providers, public health officials, law  
12          enforcement officers and other persons with professional  
14          expertise on maternal and infant health and mortality. The  
          director shall appoint the members of the panel, who serve at the  
          pleasure of the director. The director shall appoint an employee  
          of the center to serve as panel coordinator.

16          3. Duties and powers of panel coordinator. The panel  
18          coordinator has the following duties and powers.

20          A. The panel coordinator shall review the deaths of all  
22          women during pregnancy or within 42 days of giving birth and  
24          the majority of deaths of infants under 1 year of age, with  
          selection of cases of infant death based on the need to  
          review particular causes of death or obtaining a  
          representative sample of all deaths.

26          B. Prior to accessing medical records, the panel  
28          coordinator shall obtain permission in all cases for access  
30          to those records from the parent or parents or other  
          authorized representative of the deceased person.

32          C. Prior to conducting a voluntary interview, the panel  
34          coordinator shall obtain permission in all cases for the  
          interview from the parent or parents or other authorized  
          representative of the deceased person.

36          D. The panel coordinator may conduct voluntary interviews  
38          with the parent or parents of a deceased child or other  
40          relevant family members of a deceased person. The purpose  
42          of the voluntary interview is limited to gathering  
44          information or data for the purposes of the panel in summary  
46          or abstract form without family names or patient  
          identifiers. A person who conducts interviews under this  
          paragraph must meet the qualifications for panel coordinator  
          and also have professional experience or training in  
          bereavement services. A person conducting an interview  
          under this paragraph may make a referral for bereavement  
          counseling.

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2 E. The panel coordinator shall prepare a summary or  
4 abstract of relevant information regarding the deceased  
6 person, as determined to be useful to the panel, but without  
8 the name or identifier of the deceased person, and shall  
10 present the summary or abstract to the panel.

12 4. Duties and powers of panel. The panel has the following  
14 duties and powers.

16 A. The panel shall conduct comprehensive multidisciplinary  
18 reviews of data presented by the panel coordinator.

20 B. The panel shall present an annual report to the  
22 department and to the joint standing committee of the  
24 Legislature having jurisdiction over health and human  
26 services matters. The report must identify factors  
28 contributing to maternal and infant death in the State,  
30 determine the strengths and weaknesses of the current  
32 maternal and infant health care delivery system and make  
34 recommendations to the department to decrease the rate of  
36 maternal and infant death.

38 C. The panel shall share the results of its data reviews  
40 and recommendations with the child death and serious injury  
42 review panel established pursuant to section 4004,  
44 subsection 1, paragraph E. The maternal and infant death  
46 review panel may request and review data from the child  
48 death and serious injury review panel, regardless of any  
50 prior work by the child death and serious injury review  
panel.

5. Limitations. The panel coordinator may not proceed with  
reviews of medical records or voluntary interviews without the  
permission of the parent or parents or other authorized  
representative of the deceased person. The panel coordinator may  
not photocopy or retain copies of medical records. In performing  
work under this section, the panel coordinator shall minimize the  
burden imposed on health care practitioners, hospitals and  
facilities.

6. Confidentiality. All records created or maintained  
pursuant to this section, other than reports provided under  
subsection 4, paragraph B, are protected as provided in this  
subsection. The records are confidential under section 42,  
subsection 5. The records are not open to public inspection, are  
not public records for the purposes of Title 1, chapter 13,  
subchapter 1 and are not subject to subpoena or civil process nor  
admissible in evidence in connection with any judicial,  
executive, legislative or other proceeding.

2 7. Immunity. A health care practitioner, hospital or  
3 health care facility or the employee or agent of that person or  
4 entity is not subject to civil or criminal liability arising from  
5 the disclosure or furnishing of records or information to the  
6 panel pursuant to this section.

7 8. Funding. The department may accept any public or  
8 private funds to carry out the purposes of this section.

9 9. Rulemaking. The department shall adopt rules to  
10 implement this section, including rules on collecting information  
11 and data, selecting members of the panel, collecting and using  
12 individually identifiable health information and conducting  
13 reviews under this section. The rules must ensure that access to  
14 individually identifiable health information is restricted as  
15 much as possible while enabling the panel to accomplish its  
16 work. The rules must establish a protocol to preserve  
17 confidentiality, specify the manner in which family and  
18 authorized representatives will be contacted for permission and  
19 maintain public confidence in the protection of individually  
20 identifiable information. Rules adopted pursuant to this  
21 subsection are routine technical rules as defined in Title 5,  
22 chapter 375, subchapter 2-A.

23 10. Repeal. This section is repealed January 1, 2011.'

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27 **SUMMARY**

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29 This amendment is the majority report of the committee and  
30 replaces the bill. It establishes the maternal and infant death  
31 review panel within the Department of Health and Human Services.  
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**FISCAL NOTE REQUIRED**  
**(See Attached)**



# 122nd MAINE LEGISLATURE

LD 1420

LR 0612(02)

**An Act To Establish a Maternal and Infant Death Review Panel**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill can be absorbed by the department utilizing existing resources.