

# MAINE STATE LEGISLATURE

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**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**

**SENATE**

**124TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 606, L.D. 1599, Bill, "An Act Regarding the Maternal and Infant Death Review Panel"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 22 MRSA §261, as enacted by PL 2005, c. 467, §1, is amended 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.
- C-1. "Family" means a woman who has experienced a fetal death or the parent or parents or other authorized representative of a deceased person.
- D. "Panel" means the maternal and infant death review panel established under this section.
- E. "Panel coordinator" means an employee of the center who is appointed by the director or a person designated by the panel coordinator. The panel coordinator must be a licensed physician or registered nurse or other health care professional licensed or registered in this State.

**2. Membership.** The panel consists of health care and social service providers, public health officials, law enforcement officers and other persons with professional expertise on maternal and infant health and mortality. The director shall appoint the

**COMMITTEE AMENDMENT**

1 members of the panel, who serve at the pleasure of the director. The director shall  
2 appoint an employee of the center to serve as panel coordinator.

3 **3. Contact with family.** The first contact pursuant to this section with a ~~parent or~~  
4 ~~parents or other authorized representative of a deceased person~~ the family may not occur  
5 prior to 4 months after the death and must:

6 A. Be by letter from the State Health Officer on letterhead of the center; and

7 B. Include a ~~separate~~ an invitation to participate in a review of the death of the  
8 deceased person or the fetal death from a statewide organization dedicated to  
9 improving the health of babies by preventing birth defects, premature birth and infant  
10 mortality.

11 **4. Duties and powers of panel coordinator.** The panel coordinator has the  
12 following duties and powers.

13 A. The panel coordinator shall review the deaths of all women during pregnancy or  
14 within 42 days of giving birth, the majority of cases in which a fetal death occurs  
15 after 28 weeks of gestation and the majority of deaths of infants under 1 year of age,  
16 with selection of cases of infant death based on the need to review particular causes  
17 of death or obtaining the need to obtain a representative sample of all deaths.

18 A-1. The panel coordinator may have access to the death certificates of deceased  
19 persons and to fetal death certificates of fetal deaths occurring after 28 weeks of  
20 gestation.

21 B. Prior to accessing medical records, the panel coordinator shall obtain permission  
22 in all cases for access to those records from the ~~parent or parents or other authorized~~  
23 ~~representative of the deceased person~~ family.

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

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

35 E. The panel coordinator shall prepare a summary or abstract of relevant information  
36 regarding the ~~deceased person~~ case, as determined to be useful to the panel, but  
37 without the name or identifier of the deceased person or the woman who experienced  
38 a fetal death, and shall present the summary or abstract to the panel.

39 **5. Duties and powers of panel.** The panel has the following duties and powers.

40 A. The panel shall conduct comprehensive multidisciplinary reviews of data  
41 presented by the panel coordinator.

1 B. The panel shall present an annual report to the department and to the joint  
2 standing committee of the Legislature having jurisdiction over health and human  
3 services matters. The report must identify factors contributing to maternal and infant  
4 death in the State, determine the strengths and weaknesses of the current maternal  
5 and infant health care delivery system and make recommendations to the department  
6 to decrease the rate of maternal and infant death.

7 The panel shall offer a copy of the annual report to the ~~parent or parents or other~~  
8 ~~authorized representative of the deceased person~~ person or persons that granted  
9 permission to the panel coordinator for a voluntary interview under subsection 4,  
10 paragraph C.

11 C. The panel shall share the results of its data reviews and recommendations with the  
12 child death and serious injury review panel established pursuant to section 4004,  
13 subsection 1, paragraph E. The maternal and infant death review panel may request  
14 and review data from the child death and serious injury review panel, regardless of  
15 any prior work by the child death and serious injury review panel.

16 **6. Limitations.** The panel coordinator may not proceed with reviews of medical  
17 records or voluntary interviews without the permission of the ~~parent or parents or other~~  
18 ~~authorized representative of the deceased person~~ family. The panel coordinator may not  
19 photocopy or retain copies of medical records or review cases of abortion. In performing  
20 work under this section, the panel coordinator shall minimize the burden imposed on  
21 health care practitioners, hospitals and facilities.

22 **7. Confidentiality.** All records created or maintained pursuant to this section, other  
23 than reports provided under subsection 5, paragraph B, are protected as provided in this  
24 subsection. The records are confidential under section 42, subsection 5. The records are  
25 not open to public inspection, are not public records for the purposes of Title 1, chapter  
26 13, subchapter 1 and are not subject to subpoena or civil process nor admissible in  
27 evidence in connection with any judicial, executive, legislative or other proceeding.

28 **8. Immunity.** A health care practitioner, hospital or health care facility or the  
29 employee or agent of that person or entity is not subject to civil or criminal liability  
30 arising from the disclosure or furnishing of records or information to the panel pursuant  
31 to this section.

32 **9. Funding.** The department may accept any public or private funds to carry out the  
33 purposes of this section.

34 **10. Rulemaking.** The department shall adopt rules to implement this section,  
35 including rules on collecting information and data, selecting members of the panel,  
36 collecting and using individually identifiable health information and conducting reviews  
37 under this section. The rules must ensure that access to individually identifiable health  
38 information is restricted as much as possible while enabling the panel to accomplish its  
39 work. The rules must establish a protocol to preserve confidentiality, specify the manner  
40 in which the family and authorized representatives will be contacted for permission and  
41 maintain public confidence in the protection of individually identifiable information.  
42 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
43 chapter 375, subchapter 2-A.

44 **11. Repeal.** ~~This section is repealed January 1, 2011.~~

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**SUMMARY**

This amendment authorizes the maternal and infant death panel coordinator to have access to fetal death certificates. The amendment requires the panel coordinator to review the majority of fetal deaths occurring after 28 weeks' gestation. The amendment prohibits the panel coordinator from reviewing cases of abortion. It retains the other provisions of the bill, including repeal of the sunset on the maternal and infant death review panel on January 1, 2011.

FISCAL NOTE REQUIRED  
(See attached)



# 124th MAINE LEGISLATURE

LD 1599

LR 2329(02)

**An Act Regarding the 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

Additional costs to the Center for Disease Control and Prevention in the Department of Health and Human Services can be absorbed by the center utilizing existing budgeted resources.