## MAINE STATE LEGISLATURE

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## 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

**Legislative Document** 

No. 1112

S.P. 366

In Senate, March 21, 2017

An Act Regarding the Maternal and Infant Death Review Panel

Reference to the Committee on Health and Human Services suggested and ordered printed.

HEATHER J.R. PRIEST Secretary of the Senate

Presented by Senator KEIM of Oxford.

Cosponsored by Representative HAMANN of South Portland and

Senators: BRAKEY of Androscoggin, MAKER of Washington, Representatives: HEAD of

Bethel, MALABY of Hancock, SANDERSON of Chelsea.

4 5 6 7 8 9	<b>2. Membership; meetings.</b> 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 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. The panel shall meet at least twice per year.
10 11	<b>Sec. 2. 22 MRSA §261, sub-§4,</b> $\P$ <b>B andC,</b> as amended by PL 2009, c. 531, §1, are further amended to read:
12 13 14	B. Prior to accessing medical records, the panel coordinator shall obtain permission in all cases for access to those records from the family, except that the panel coordinator may obtain information pursuant to subsection 4-A.
15 16 17	C. Prior to conducting a voluntary interview, the panel coordinator shall obtain permission in all cases for the interview from the family, except that the panel coordinator may obtain information pursuant to subsection 4-A.
18	Sec. 3. 22 MRSA §261, sub-§4, ¶F is enacted to read:
19 20 21	F. In order to conduct a review under this section, the panel coordinator may apply to the commissioner, the commissioner's designee or the legal counsel for the department to issue a subpoena to collect information pursuant to subsection 4-A.
22	Sec. 4. 22 MRSA §261, sub-§4-A is enacted to read:
23 24	4-A. Investigations. The commissioner, the commissioner's designee or the legal counsel for the department may:
25 26 27	A. Issue subpoenas requiring persons to disclose or provide to the panel coordinator and the panel information or records in their possession that are necessary and relevant to a review under this section.
28 29	(1) The department may apply to the District Court to enforce a subpoena under this paragraph.
30 31 32	(2) A person who complies with a subpoena is immune from civil or criminal liability that might otherwise result from the act of turning over or providing information or records to the panel coordinator; and
33 34 35 36	B. Obtain confidential criminal history record information and other criminal history record information under Title 16, chapter 7 that the commissioner, the commissioner's designee or the legal counsel for the department considers relevant to a review under this section.
37 38	Sec. 5. 22 MRSA §261, sub-§6, as amended by PL 2009, c. 531, §1, is further amended to read:

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 22 MRSA §261, sub-§2,** as enacted by PL 2005, c. 467, §1, is amended to read:

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**6. Limitations.** The panel coordinator may not proceed with reviews of medical records or voluntary interviews without the permission of the family, except that the panel coordinator may proceed with reviews of information obtained pursuant to subsection 4-A. The panel coordinator may not photocopy or retain copies of medical records or review cases of abortion. In performing work under this section, the panel coordinator shall minimize the burden imposed on health care practitioners, hospitals and facilities.

**Sec. 6. Report.** The maternal and infant death review panel within the Department of Health and Human Services shall study the causes of the increase in infant mortality in the State within the past 10 years. By February 7, 2018, the panel shall report its findings to the department and the Joint Standing Committee on Health and Human Services in the Second Regular Session of the 128th Legislature.

13 SUMMARY

 This bill gives the maternal and infant death review panel the power to request the Commissioner of Health and Human Services to issue subpoenas to require disclosure of records and information. This is the same authority allowed the child death and serious injury review panel. It requires the panel to meet twice per year and to study the causes of the increase in infant mortality in the State within the past 10 years. The panel is required to report its findings by February 7, 2018 to the Department of Health and Human Services and the Joint Standing Committee on Health and Human Services in the Second Regular Session of the 128th Legislature.